

IN THE MATTER OF  
PIKEVILLE PARTNERSHIP  
W/S REISTERSTOWN ROAD, 35' W \* COUNTY BOARD OF APPEALS  
C/L REISTERSTOWN ROAD AND \* OF  
MCHENRY AVENUE \* BALTIMORE COUNTY  
(1340-1404 REISTERSTOWN ROAD) \*  
3RD ELECTION DISTRICT \* CASE NO. 92-439-A  
2ND COUNCILMANIC DISTRICT \* \* \* \* \*

#### ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Zoning Commissioner dated November 6, 1992, wherein the requested Petition was granted with restrictions.

WHEREAS, the Board is in receipt of a letter of dismissal filed by Anthony J. DiPaula, Esquire, Counsel for Pikeville Partnership, Petitioner/Appellant, dated March 17, 1993 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal filed in this matter be dismissed and withdrawn as of March 17, 1993;

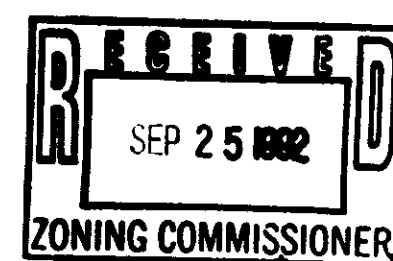
IT IS HEREBY ORDERED this 18th day of March, 1993 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*Michael B. Spier*  
Michael B. Spier, Acting Chairman

*Harry E. Buchheiser, Jr.*  
Harry E. Buchheiser, Jr.

*John G. Disney*  
John G. Disney



IN RE: W/S Reisterstown Road, 35' \* ZONING COMMISSIONER  
W of C/L Reisterstown \* OF BALTIMORE COUNTY  
Road State Route 140 and \*  
McHenry Avenue \*  
1340-1404 Reisterstown Rd \* CASE NO.: 92-439-A  
Pikeville Shopping Center \* (Item 472)  
3rd Election District \*  
2nd Councilmanic \*  
Pikeville Partnership \*  
Petitioner \*

#### PETITIONER'S MEMORANDUM

Pikeville Partnership, by its undersigned counsel, respectfully submits this Memorandum in support of its Petition for Variance.

#### I. APPLICABLE REGULATIONS

The threshold matter to be addressed concerns which of the Baltimore County Zoning Regulations are applicable in this matter. The Petition for Variance as filed and as advertised seeks a variance from "Section 409.2 of the BCZR (as in effect at time of original permit approval) ..., pursuant to current Section 409.1.B". This was done at the recommendation of zoning office personnel at a pre-filing meeting. Under Section 409.1.A, the current parking regulations apply only to "all structures built and all uses established hereafter ...", obviously referring to those coming subsequent to Council Bill No. 26, 1988. Section 409.1.B, in its entirety, states:

Those projects which have CRG approval prior to the effective date of these regulations may modify their plans to satisfy these regulations or may proceed under the regulations in effect at the time of said approval.

Under Section 22-40 of the Baltimore County Code which, until very recently, provided the statutory scheme for County Review Group action, applied only to development subsequent to the effective date of those regulations (June 11, 1982). It has been the position of the development office and the zoning office that developments and structures which were in existence prior to the effective date of the CRG statutory scheme have the equivalent of CRG approval, and the provisions of 409.1.B, would be applicable.

It should also be noted that the plan and petition were filed in this fashion, expressly premised upon the pre-1988 regulations, and were circulated among the various County agencies for review and comment. Written comments were then submitted to the Zoning Commissioner for consideration in hearing the case. None of the comments questions the applicability of the parking regulations as they existed prior to passage of Bills No. 26 and 36 in 1988 which contained the new existing parking regulations.

It is for these reasons that the Petitioner elected to use the regulations in effect prior to 1988 since, as

established in the testimony, the shopping center in this matter was constructed in the early 1950's even before the 1955 Regulations, and obviously had approvals which pre-dated the CRG process.

#### II. APPLICABLE LAW OF VARIANCES

It has been argued by the Protestants that the applicable standard to be applied in this case is provided in BCZR Section 409.12.B, which Section provides for a petition and hearing pursuant to Section 409.8.B.1. Neither of these Sections, or anything comparable, existed under the pre-1988 regulations. If the new regulations are applicable, then the standard to be applied in deciding the variance would be limited to undue hardship, and the procedure followed should have been as outlined in Section 409.8.B.1, none of which was raised by the Protestants, either preliminarily or at the conclusion of the hearing. It is still the position of the Petitioner, as recommended and fostered by the Office of Zoning and the various agencies reviewing the Petitioner's filings, that the pre-1988 regulations are applicable, and therefore the standards of BCZR Section 307 apply. Since, under BCZR Section 307.1, the Zoning Commissioner is "... given the power to grant variances ... from off-street parking regulations ... where strict compliance with the Zoning Regulations for Baltimore

County would result in practical difficulty or unreasonable hardship", that is the standard to be applied in this case.

There have been several cases over the years addressing the issues of practical difficulty and unreasonable hardship, and probably the most often cited case is Marino v. City of Baltimore, 215 Md. 206 (1957). In that case, Judge Horney, writing for the Court of Appeals, stated:

The criterion for determining unnecessary hardship is whether the applicable zoning restriction when applied to the property and the setting of its environment is so unreasonable as to constitute an arbitrary and capricious interference with the basic right of private ownership.

Id. at 217. In that opinion, it is also stated:

The expression "practical difficulties or unnecessary hardships" means difficulties or hardships which are peculiar to the situation of the applicant for the permit and are not necessary to carry out the spirit of the ordinance in which are of such a degree of severity that their existence amounts to a substantial and unnecessary injustice to the applicant.

Id., quoting from Carney v. City of Baltimore, 201 Md. 130, 137 (1952). See also Park Shopping Center, Inc. v. Lexington Park Theater Company, Inc., 216 Md. 271 (1958); Anderson v. Board of Appeals, Town of Chesapeake Beach, Md., 22 Md. App. 28 (1974).

As noted in the Marino case, such variance cases "inevitably depend on the facts of each case", and it becomes

a question of whether the evidence produced sufficiently shows that the applicant cannot secure a reasonable return from or make a reasonable use of his property. Marino, at 218.

#### III. REVIEW OF THE FACTS AND EVIDENCE PRESENTED

The Petitioner in this case produced evidence that the subject shopping center consists of just under 80,000 square feet of leasable space, and was constructed in approximately 1953. Various tenants have come and gone over the years, but the use has continued as a mixed-use shopping center for nearly forty (40) years. There have been no additions to the building, and the site area is as it always has been since its initial construction. Under the regulations applicable in this case, the site can accommodate only 217 parking spaces. No question of adequate parking was ever raised before, and in fact, around the time that the Petitioner assumed the ownership and management of the property in 1984, a letter was generated by the County requiring the reservation and striping of handicapped parking spaces. See Petitioner's Exhibit 6.

The Petitioner is in the process of investing approximately \$300,000.00 in face-lifting the site to attract tenants. This site has also been described by the Department of Economic Development and the Office of Current Planning as an integral part of the Pikeville Revitalization Plan. The

improvements being made to the site have been coordinated with the Pikeville Streetscape Plan.

The issue of a parking variance only came up when one of the newer tenants at the center applied for an alterations permit to renovate the interior of its leased space, and it was then determined that the nearly forty (40) year old shopping center did not meet current parking standards. The permits were issued conditionally upon Petitioner filing for and obtaining what is sought in this case. Based upon calculations made with the knowledge and assistance of zoning office personnel, and applying the pre-1988 parking standards, the site is short some 167 parking spaces. The only alternatives available to the Petitioner if the requested variance is not granted are: (1) leave vacant approximately 50% of the leasable space in the shopping center, that being the comparable square footage to the deficit in parking spaces; (2) invest approximately \$1 million in constructing a parking deck which will net not more than 80 or 90 parking spaces, an unreasonable and nonfeasible alternative, both practically and economically; and (3) lease or acquire additional parking or land which can be converted to parking.

It is not a reasonable alternative to ask a property owner to make no use of and otherwise abandon 50% of its

useable property. Same constitutes a waste of land, and takes away something which was reasonably and legally enjoyed previously. Furthermore, it is difficult enough to own and manage commercial property profitably with normal tenant turnover and nearly full occupancy, but it is impossible to do so when the most one can maintain is a 50% occupancy rate.

Nor is it feasible or practical to ask a property owner to invest \$1 million in constructing additional on-site parking facilities. Such a property owner would not only fail to obtain a reasonable return from his property, but would instead obtain no return after having to make such a substantial investment in a property that simply is not worth it. Additionally, it should be noted that even after such a large investment, the property would still not conform to necessary parking requirements.

A suggestion was made by at least one of the Protestants that, because of the zoning of the site, additional off-site parking is permitted up to 1,000 feet away from the site. Testimony established that existing patrons do not even wish to use public parking facilities across the street less than 200 feet away. Testimony also established that existing patrons under-utilize on-site parking in the rear of the center due to lack of convenience, and the point was made by the

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U.S. Postal Service  
Solicitation for Proposals  
Existing Space

1. Facility Name/Location: PIKESVILLE FIN UNIT - BALTIMORE, MD 21208-9998 Date: 11/04/1991

2. Submit Proposals To:  
JOHN QUINN  
REAL ESTATE SPEC  
COLUMBIA FSO  
PO BOX 701  
COLUMBIA, MD 21045-0701

Preferred Area:  
North: Baltimore Beltway Route 695  
South: Reisterstown Road - 1 block  
East: Park Heights Avenue - 2 blocks  
West: Sudbrook Lane - 5 blocks

Submit not later than the close of business on: 12/06/1991

3. The U.S. Postal Service is soliciting proposals to furnish existing space at a specified annual rental and for:  
Basic Term: 15 Years  
Renewal Options:  
3 - 5 year renewal options

4. The approximate areas desired are indicated below in sq. ft. (see drawings and specifications):  
Net Interior Space: 3,662  
Driveway, Parking & Manoeuvring: 12,760  
Platform: 120  
Minimum Site Size\*: 26,141  
\* excluding setbacks, easements, etc.

5. AWARD: Any award made under this solicitation will be made to the responsible offeror whose proposal for the cost, location, lease terms, overall project economics, operational benefits, past job performance, and other factors is most advantageous to the U.S. Postal Service. The U.S. Postal Service reserves the right to negotiate with any or all offerors as to any or all rental rates, or other terms and conditions of the proposal; to secure proposals in addition to those offered initially in response to this solicitation, without waiving its right to accept the proposal as submitted; or to reject any and all proposals.

6. OPENING OF PROPOSAL: This is not a sealed solicitation and proposals will not be publicly opened. Information as to the number of proposals received or the identity of the offerors will not be made available to anyone whose official duties at the U.S. Postal Service do not require such knowledge.

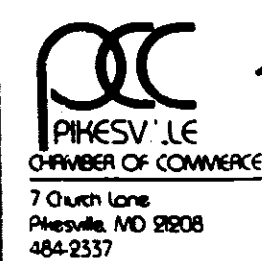
7. The Postal Service will consider letter proposals. However, the selected space will be contracted for using a USPS Lease. A minimum of 120 days is required for the processing of these proposals.

8. Offerors must include in their proposal: a telephone number where the offeror may be reached during the day; a correct legal description or copy of the current deed; a plot plan showing land location and dimensions, location of buildings thereon, driveways and parking areas, abutting streets and alleys, and widths thereof; together with a floor plan of the interior space offered showing dimensions.

9. The offeror must own or control the property offered. If the proposal is submitted by an agent for the owner, evidence of the agent's exclusive authority to offer the subject property must accompany the proposal.

10. The property offered must be properly zoned to permit use for a postal facility or must be capable of being rezoned for such use. The owner will be responsible for all action necessary to obtain zoning prior to leasing to the Postal Service. U.S. Postal Service personnel may, if requested by the owner or local officials, attend hearings to present a summary of the interest of the Postal Service regarding the property.

September 1991



Mr. Lawrence C. Schmidt  
Zoning Commissioner  
Baltimore County, Maryland  
111 West Chesapeake Avenue  
Towson, MD 21204

RE: Case No. 92-439A  
Owner: Pikesville Partnership  
Location: 1340 - 1404 Reisterstown Road  
Pikesville Shopping Center

Dear Sir:

The Pikesville Chamber of Commerce through their zoning committee has carefully reviewed the request for a parking variance of 163 spaces submitted by the owner of the above-referenced property.

The Chamber of Commerce is highly cognizant of the need to fill vacant retail space in the business community, and particularly the property in question; however, the Chamber must carefully weigh the needs of the applicant against the rights and concerns of neighborhood businesses that will suffer as a result of a poor decision.

The Chamber of Commerce conducted its own study of the present parking situation on the applicant's property. Our study was done on a business day - not a Saturday or Sunday. We found the front lot of the property full with several cars circling for spaces to park. The rear lot had many spaces available. This pattern was observed on several occasions. Because of the inaccessibility of the rear lot and the difficult walk necessary to the front, there remains an underutilization of the rear lot.

The property owner presently leases ten spaces on the rear to a bank for employees parking. The owner also allows use by the Maryland State Police for full-day parking on the rear lot.

The discontinued use by the bank and the State Police will create the need for other parking spaces in the business district.

The parking study submitted to the Chamber by the owners, prepared by Lee Cunningham & Associates, Inc., was done on a Saturday, therefore, it does not reflect the situation on a normal business day (Monday through Friday). Many of the businesses located in Club Center are closed on Saturday. We find this study to be invalid for the purpose stated in the report.

The Chamber of Commerce reviewed the petition of various tenants presently leasing in the captioned property and support their concerns that present parking is not adequate for the space now leased. The requested variance would substantially add to the already now parking shortage.



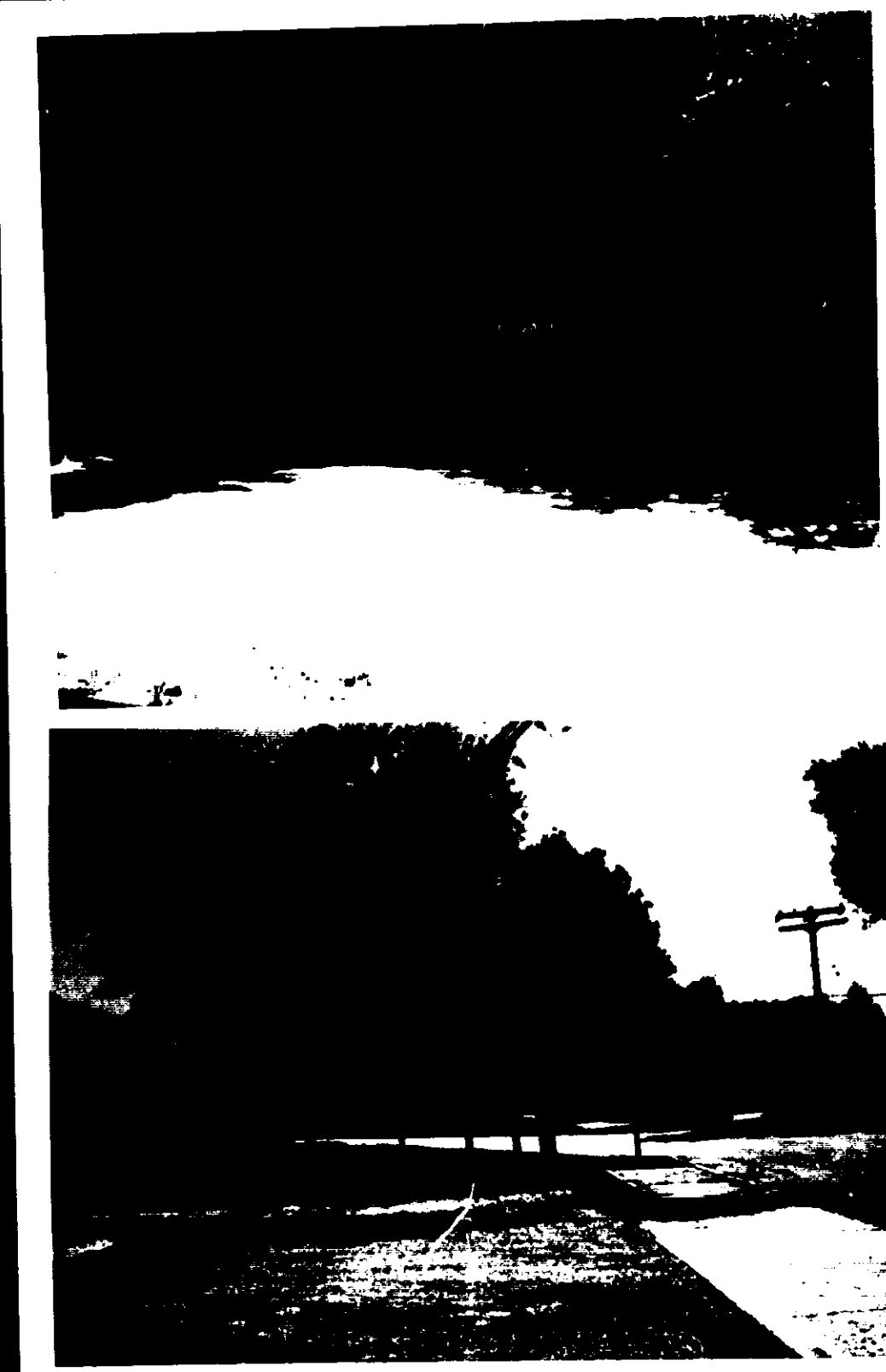
PIKESVILLE SHOPPING CENTER

6-23-92  
12:30 PM

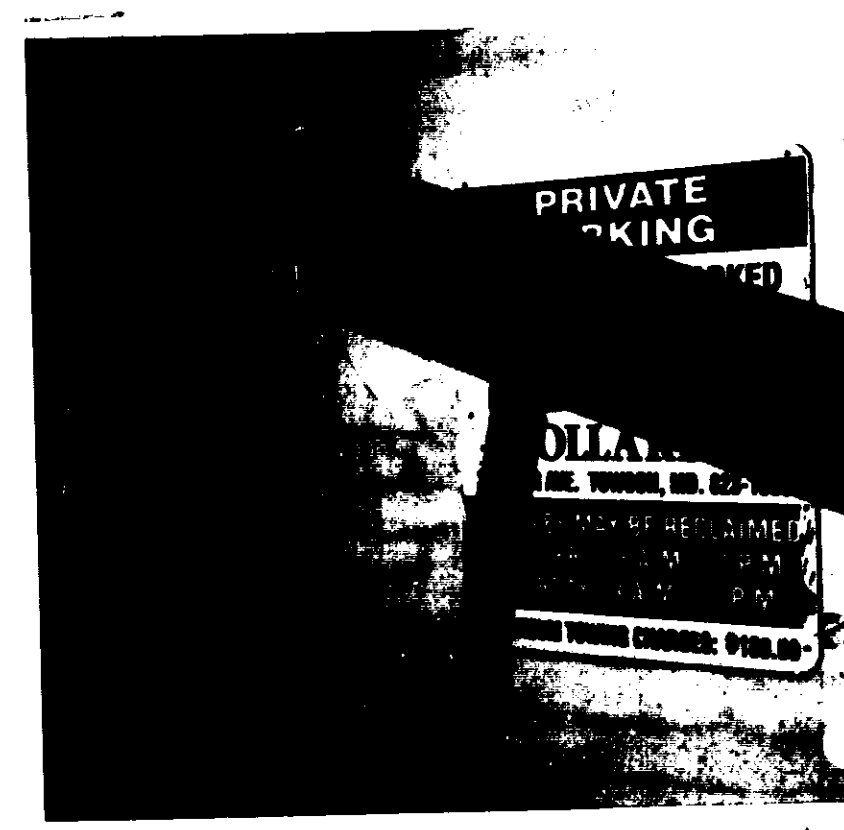


CLUB CENTER

6-23-92  
12:35 PM



1310 BEDFORD RD  
At Rear of Pikesville Shopping Center



Sign on Pikesville Shopping Center

Rear of Property  
on Church Lane  
At Bedford Zoned  
P/L 125.4 Acre  
Pikesville Shopping  
Center

## PIKESVILLE PARKING STUDY REISTERSTOWN ROAD CORRIDOR

Prepared for:  
**BALTIMORE COUNTY  
REVENUE AUTHORITY  
and  
ECONOMIC DEVELOPMENT  
COMMISSION**

Prepared by:  
**DESMAN, INC.**

JULY 1987

LEE CUNNINGHAM & ASSOCIATES, INC.  
LAND-USE AND TRANSPORTATION PLANNING

June 19, 1992

Mr. T. C. Julio  
Hill Management Company  
9640 Deercro Road  
Timonium, MD 21093

RE: PARKING ACCUMULATION AT CLUB CENTER  
REISTERSTOWN ROAD

Dear Mr. Julio:

As you requested staff of Lee Cunningham & Associates, Inc. measured the parking accumulation at the subject center between the hours of 6:00 AM and 6:00 PM on Saturday June 6, 1992. To do this staff of Lee Cunningham & Associates, Inc. (LCA) counted the total number of vehicles in the lot serving the center at the beginning of the count period. Traffic entering and exiting all driveways to the lot was counted and recorded in 15 minute increments. This was used to calculate the total number of vehicles on the lot. The actual accumulation by 15 minute period is shown on the attached tables.

The maximum vehicle accumulation on the lot occurred during the 1:45 to 2:00 PM interval. At that time 159 vehicles were parked on the lot. Based on the information that you provided to me and on the Baltimore County parking regulations, the regulatory requirement for parking at the Club Center is 261 spaces. There is currently, however, 3,715 square feet of unoccupied retail space in the Club Center. If the regulatory requirement is reduced due to this unoccupied space the total number of parking spaces required on the Club Center site would be 243. The actual usage during this peak time is, then, 65.4% of the total adjusted parking requirement. This indicates that the regulatory requirement is 34.6% too high for the subject site, probably due to the "Urban Village" characteristics of the area.

10015 Old Columbia Road  
Suite 201  
Columbia, MD 21046

Washington (202) 596-7800 • Baltimore (410) 280-6990 • Chesapeake Beach (202) 846-2200  
1-800-972-9090

P.O. Box 1588  
Chesapeake Beach, MD 20752

Zoning Commissioner at the hearing that it is therefore doubtful that parking off-site would be of any use. As to acquiring other adjacent property, this is not even a proper consideration in a variance case. The property under consideration is the existing site, not whether additional land can be acquired to make it conform.

Long ago it was recognized that off-street parking in Pikesville was and would continue to be a problem as a review of previous Baltimore County zoning decisions illustrates. On February 8, 1956, in case No. 3691-V, the then Zoning Commissioner Adams granted a variance to Pikesville Medical Center, Inc. for the property situate at the northeast corner of Reisterstown Road and Walker Avenue, to allow 43 less parking spaces than required under the regulations then in effect. This is the same property where Fields Pharmacy is now located. In that case, Malcolm Dill of the Office of Planning noted in a comment to Commissioner Adams:

In Pikesville, the provision of off-street parking on individual commercial lots will not solve the parking problem. It must be attained on a much broader scale.

The evidence presented by the Protestants in this case in many ways bolstered the Petitioner's case. The existing tenants at the site testified that the parking area in the rear of the center is often times under-utilized. There are

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improvements to be made to the rear parking area, all of which were discussed at the hearing, and many of which were requested by the Protestants. There was evidence produced that patrons were observed parking in one place, yet walking to other businesses. This is not necessarily indicative of a parking problem, but is actually what is expected in a CT district as the property is zoned. A patron may park in one parking area, walk to another business establishment for something to eat, stop and shop at other stores along the way, and then go back and shop at stores where they originally parked. The fact that patrons were seen walking from the Club Centre parking lot over to the Poulet chicken establishment in the Pikesville Shopping Center, is indicative of this. For that reason, there are others who park on the front parking lot of the Pikesville Shopping Center, walk across the street to the bank, and probably stop in Field's Pharmacy. There are undoubtedly patrons who park along the street either in public metered parking or on the public parking lot, and visit many establishments.

The issue is whether the Petitioner has shown that without the variance, it will suffer unnecessary or unreasonable hardship, or practical difficulty. Aside from the alternatives listed above, there is nothing that the Petitioner

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can to in order to comply with the requirements for parking, and none of the alternatives are reasonable.

The reasonable solution is to grant the variance for the 167 spaces requested, but at the same time require as part of the grant that the Petitioner pave and stripe the rear parking lot; provide adequate and safer lighting on the rear parking lot; create a passageway through the middle of the shopping center to make the center more accessible to patrons parking in the rear; provide an elevator in the rear of the building so that patrons using the rear parking area can access the businesses on the second floor of the center. These improvements are not a small undertaking and are not without substantial cost and expense to the Petitioner, but they provide a means of assuring that the on-site parking facilities are fully utilized to avoid any undue and unnecessary burdening of the available parking facilities in the area. With the variance granted for a specific number of spaces, it would always be subject to periodic spot checking by the zoning enforcement office to insure that with whatever tenants are occupying the center at any particular time, the number of spaces permitted is not being exceeded, and it is something that would be monitored automatically each time alteration permits are sought due to changing tenants. Without the

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variance, thus being able to lease only 50% of its leasable area, the Petitioner would be denied a reasonable return from, or the reasonable use of, its property.

#### IV. CONCLUSION

For all of the reasons stated, it is respectfully requested that the variance for 167 parking spaces be granted, subject to any restrictions which the Zoning Commissioner deems just.

Respectfully submitted,

*Anthony J. DiPaula*  
Anthony J. DiPaula  
Covahey & Booser, P.A.  
614 Bosley Avenue  
Towson, Maryland 21204  
(410) 828-9441

#### CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this 25 day of September, 1992, a copy of the foregoing Petitioner's Memorandum was mailed, first class, postage prepaid to Nancy E. Paige, Esquire, Gordon, Feinblatt, Rothman, Hoffberger & Hollander, Garrett Building, 233 E. Redwood Street, Baltimore, Maryland 21202.

*Anthony J. DiPaula*  
Anthony J. DiPaula

92-09-27.ds

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#### BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

W/S REISTERSTOWN ROAD \*  
35 ft.± west of \*  
C/L Reisterstown Road, \* Case No. 92-439-A  
State Route 140, and McHenry \*  
Avenue \*  
1340-1404 REISTERSTOWN ROAD - \*  
PIKESVILLE SHOPPING CENTER \*  
Third Election District \*  
Second Councilmanic District \*  
Petitioner: \*  
PIKESVILLE PARTNERSHIP \*

\* \* \* \* \*

#### PROTESTANTS' POST HEARING MEMORANDUM

Fields Pharmacy Inc., and Samuel N. Gorn T/A 1427 Limited Partnership Courthouse Commons, Protestants, offer the following memorandum in opposition to the variance requested herein.

#### I. STATEMENT

This is an appeal by the owner of the Pikesville Shopping Center for a variance to allow 217 parking spaces in lieu of the required number, which the Petitioner represents to be 384 spaces, in other words, to permit parking to be reduced to 56% of the requirement.<sup>1</sup> At the hearing, opposition to this proposal was expressed by the Pikesville Chamber of Commerce, several tenants of the shopping center, the Baltimore County Department of Economic Development, as well as Fields Pharmacy, located directly across the street, and Samuel Gorn whose entity

<sup>1</sup> As shown below, it is the Protestants' position that this requirement is seriously understated, and the variance requested is therefore even greater.

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owns and operates a small strip center diagonally across the street from the subject property.

The center has existed since approximately 1954.

However, at the commencement of the hearing, the petitioner expressly denied that it was seeking to establish the right to continue a non-conforming use, and affirmed that its request was for a parking variance. The case proceeded on that basis.

#### II. FACTS

The testimony was overwhelming, and uncontradicted, that, as stated in the report of the Baltimore County Department of Economic Development,

... parking is an issue in Pikesville and a serious problem has developed at the Pikesville Shopping Center site. The popularity of the new tenants (even before the Center is full) has brought the lot to overflowing. I have made a point to visit this site at various times throughout the day, weekdays and weekends, and the lot is usually completely full with additional cars circulating for openings. My office has also received calls from neighbors whose customers cannot find spaces on their own lots because of the overflow. Security guards are being hired and cars are being towed. Customers are also becoming frustrated trying to shop at the Julio [Pikesville Shopping Center] property itself. A parking problem does exist. [Emphasis added.]

Nonetheless, in furtherance of its policy to "encourage owners [in older areas] to pursue each opportunity," the Department indicated that it would be supportive of the requested variance on specific conditions:

1. Repaving and re-lighting of the rear parking lot;

2. Elevator access from the rear lot to storefront level; and

3. Provision and requirement of off-site employee parking.<sup>2</sup>

Madeleine You, who operates the One Hour Cleaners (space no. 14), Stephen Zimmerman of Howard Luggage (space no. 18) and Kimberly Thomas, the manager of Shoepermarket (space no. 17), all corroborated the findings of the Department of Economic Development and testified that the parking situation had deteriorated in recent years. Heavy parking demands from students and teachers at the Fame School of Nail Design, and by customers of Amazing Savings and a new restaurant, La Poulet,<sup>3</sup> have created a major problem, even though approximately one-third of the center is vacant. Both Ms. You and Mr. Zimmerman estimated that there are twenty-five to thirty students and teachers at the Fame School at any given time. The petitioner's parking tabulation allots only 5 spaces to this use.

There are two separate parking lots for this center. The front lot contains only 98 spaces. Virtually all existing stores, including the restaurant, face and open onto this lot. Total area of these stores is 45,385 square feet. Even if all this space were dedicated to general retail use, 227 spaces, more

<sup>2</sup> See *Jewish Times* article, September 18, 1992, in which this position was reiterated.

<sup>3</sup> It was the application for a permit for this new tenant which prompted this appeal.

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than twice the number provided, would be required. Baltimore County Zoning Regulations ("B.C.Z.R.") §409.6A2.

However, the space is not all retail, but includes a restaurant, which itself requires 48 additional spaces, and three schools, Wally's Dance Studio (space no. 15), Fame School of Nail Design (space no. 13) and Kenpo Karate (space no. 20). No specific information was offered by the petitioner respecting the number of employees, visitors or students utilizing any of these facilities. However, others suggested that Fame alone uses 5-6 times the number of spaces required for retail use. (25-30 as opposed to 5. B.C.Z.R. §409.6A2.)

The rear parking lot, which by all accounts is under utilized, is at a steep grade one story below the existing shopping center. The parking plan reflects that it will accommodate 119 spaces. At the present time only a billiards parlor (space no. 6) has an entrance from the rear parking lot, though the barber shop and pizza shop are accessible up two flights of stairs from that lot.

Because of its distance from the stores and the steep grade (impassable in icy weather), the availability of spaces on the rear lot does little to relieve the overcrowding in front. The petitioner proposes to remodel the rear of the shopping center to convert existing storage areas to leasable spaces totalling 20,462 square feet. Total leasable area facing the rear would then equal 28,127 square feet, generating a need for

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141 spaces (if entirely retail). This is 22 more than provided, and would leave nothing for employees or overflow from the front.

#### ARGUMENT

##### I. The Petitioner Has Failed To Meet The Standards For A Parking Variance.

B.C.Z.R. Section 409.12(B) expressly provides that "if the requirements for parking space or loading space in Section 409 would create an undue hardship, the Zoning Commissioner may approve a modified plan upon petition and after a public hearing..." (Emphasis added.)<sup>4</sup>

"Mere financial hardship or an opportunity to get an increased return from the property is not sufficient reason for granting a variance." Anderson v. Board of Appeals, 22 Md. App. 28, 38 (1974), citing Dahl v. County Board of Appeals, 258 Md. 157, 167 (1977); Salisbury Board v. Bounds, 240 Md. 547, 555 (1965); Marino v. City of Baltimore, 215 Md. 206, 218 (1957) and Easter v. City of Baltimore, 195 Md. 395, 400 (1950).

Additionally, the hardship must be peculiar to the property in question, Marino, supra; Loyola Loan Assn. v. Buschman, 227 Md. 243, 249 (1961), and not the result of the applicant's own actions, Salisbury Board, supra, 240 Md. at 554. The current application fails on all counts.

<sup>4</sup> This is a higher standard than that of "practical difficulty" which, absent other specific regulation, applies to different types of variances. See, generally, B.C.Z.R. §307.1. Based on the evidence, the application would not even meet the lesser standard.

##### A. Any Purported Hardship Is Merely Financial.

The only apparent basis for the requested variance is that the shopping center, as constructed, will not accommodate more than 217 parking spaces. Even this is subject to question, since the original parking plan, submitted in 1954, reflected an additional 50 spaces. See Letter of W. Carl Richards, June 29, 1992. In any event, it does not constitute the requisite hardship.

The regulations expressly permit the utilization of off-site parking facilities within 1000 feet. B.C.Z.R. §409.7B. Evidence was adduced that off-site contiguous land is available for sale or lease, and no evidence was adduced to indicate that the petitioner cannot satisfy the parking requirements in whole or in part by off-site parking. The petitioner testified that providing decked parking would be costly and would only meet a portion of the shortfall. Even if accepted, "mere financial hardship or an opportunity to get an increased return from the property" does not warrant a variance. Anderson, supra; Dahl, supra.

##### B. Any Purported Hardship Is Not Unique To This Property And In Any Event Is The Result Of The Voluntary Actions Of The Petitioner.

The parking problem at this location results from too many users on too small a parcel. That circumstance is not unique and could apply to any parcel of property. It is not a legal basis for a variance. Easter, supra.

Further, the current crisis is attributable in large measure to the establishment by the petitioner, of new, very "parking intensive" uses. Most recently, La Poulet replaced a retail use which generated a requirement for only 17 spaces. The restaurant generates a need for 65 spaces, an increase of 48 spaces (half again as many as the entire front lot). B.C.Z.R. §409.6 A.2. Furthermore, outdoor seating generates increased parking demand. The Fame School and Wally's Dance Studio were established within the last 2-3 years, or less, replacing retail uses. Kenpo Karate occupies 4,000 square feet never previously tenanted. None of these new uses were approved by the Zoning Commissioner in accordance with applicable regulations. B.C.Z.R. §409.6 A.3.

Finally, the petitioner proposes to create new retail or "service" uses in 20,000 square feet of space which has been vacant or used for storage, again increasing parking demand. A variance is clearly not justified to permit this aggravation of an already serious problem.

##### II. The Variance Is Contrary To The Spirit And Intent Of The Off-Street Parking Regulations And Would Injure The General Welfare.

B.C.Z.R. §307.1 permits a variance

only if in strict harmony with the spirit and intent of [the]...off-street parking... regulations, and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare.

The requested variance utterly fails these tests. Even with one-third of the stores vacant there is a serious parking problem and that customers who cannot find space on the subject lot park on other peoples' property, including the Fields parking lot and the Club Center parking lot across McHenry Avenue.

It is grossly unfair and contrary to the "spirit and intent" of the regulations to permit this property owner to intensify the use of its property at the expense of its neighbors, while refusing or declining to invest in off-site property or multi-level parking to accommodate the resulting demand.

It is worthy of reiterating that the opposition to the variance came from parties which are generally in support of enhanced commercial development in Pikesville, specifically the Chamber of Commerce, the Department of Economic Development, the principal of Field's Pharmacy who has served as an officer of both the Chamber of Commerce and the Pikesville Community Growth Corporation, and Samuel Gorn, a commercial proprietor of a neighboring center. All have a significant interest in the health, viability and expansion of the Pikesville business community; and all felt that the proposed variance would be detrimental to that community. Both the Chamber of Commerce and the Department of Economic Development indicated that they would support a variance if efforts were made by the property owner to accommodate a portion of the unmet parking demand either on or

off-site. That is not proposed, however. The grant of the requested variance cannot be justified.

##### III. The Evidence Is Insufficient To Form The Basis For A Variance.

###### A. The Applicable Regulations Are The 1988 Regulations.

B.C.Z.R., Section 409.1 (1988) expressly provides that "all structures built and all uses established hereafter shall provide accessory off-street parking and loading in accordance with the following regulations..." La Poulet, The Fame School of Nail Design, Wally's Dance Studio, and Kenpo Karate are all new non-retail uses established since 1988, without authorization and in violation of applicable off-street parking regulations.

An exception is made for projects which have received CRG approval prior to the effective date of the regulations. There has been no CRG approval of the instant project or of any of the aforementioned uses, and therefore the exception does not apply. To the extent that any rights accrue to the owner by reason of uses established prior to the adoption of the current zoning regulations, they would depend upon the continuance of a legally existing non-conforming use. The petitioner has expressly declined to present a case based upon non-conforming use, and the facts indicate that there have been substantial changes in use since the original approval in the 1950's. Absent a non-conforming use, the law in effect upon the date of decision is the controlling law. Yorkdale Corp. v. Powell, 237 Md. 121 (1964).

###### B. Information Respecting Proposed And Existing Uses Is Insufficient To Support A Variance.

The 1988 regulations prescribe that for shopping centers, such as the subject, consisting of less than 100,000 sq. ft. of gross leasable area

the required number of spaces shall be calculated according to the particular types of tenants in the shopping center (i.e., each tenant shall be considered as a separate use).

Consistent with this approach, a variance must be based upon the demands of the individual tenants. The information provided with respect to both existing and proposed uses was inaccurate and incomplete, and therefore insufficient to make this determination.

The evidence shows that store no. 4, which is now vacant and proposed for "service" use, has been the subject of negotiation with the United States Post Office. The Post Office has been seeking to relocate its customer services from the existing Pikesville Station on Old Court Road and this is one location under consideration. The parking allocated to that space is 1 per 300 sq.ft., or twelve spaces. However, the current facility utilizes between twenty-five and thirty spaces and employs approximately eight people. Thus any variance which would permit this use with only twelve spaces would clearly be invalid.

In addition, the three school uses, Fame, Wally's Dance Studio, and Kenpo Karate, have been classified by the petitioner

as "service" and the parking requirement calculated at the rate of one space per 300 sq. ft. Petitioner's Exhibit 1. The regulations, however, require "one [space] per employee, plus visitor spaces and student parking as determined by the Zoning Commissioner" for business, trade or technical schools. The petitioner allocates only 4.95 spaces for the Fame School, 2.5 for Wally's Dance Studio and 13.33 for Kenpo Karate. As indicated, Fame apparently needs between 25 and 30 spaces. If the karate use is classified as an athletic club, the regulations require forty spaces. A variance based on petitioner's calculations is totally insupportable.

Without the requisite information, it is impossible to calculate precisely how distorted the statement of current parking requirements is, but the record fairly shows that it is very substantially understated. Further, in order to comply with the "spirit and intent" of the regulations, and to prevent future intensification of use without adequate parking, any variance must fairly describe the types of uses to which it applies, the square footage allocated to each type of use, and the parking spaces allocated to each type of use. No variance should be granted based on the inadequate and unreliable information provided.

#### CONCLUSION

For all of the foregoing reasons, the variance must be denied.

Nancy E. Paige  
Nancy E. Paige

Gordon, Feinblatt, Rothman,  
Hoffberger & Hollander  
233 East Redwood Street  
Baltimore, Maryland 21202  
410/576-4294

Attorneys for Fields Pharmacy, Inc.  
and Samuel M. Gorn, Protestants

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24<sup>th</sup> day of September, 1992, a copy of the foregoing Protestants Post Hearing Memorandum was mailed, first-class, postage prepaid, to Anthony DiPaula, Esquire, Covahey & Boozer, 614 Bosley Avenue, Towson, Maryland 21204.

Nancy E. Paige  
Nancy E. Paige

IN RE: PETITION FOR ZONING VARIANCE \*  
W/S Reisterstown Rd, 35' W c/l  
Reisterstown Rd & McHenry Ave \*  
1340-1404 Reisterstown Rd  
3rd Election District \*  
2nd Councilmanic District \*  
(Pikesville Shopping Center)  
Pikesville Partnership  
Petitioner

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 92-439-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as the Pikesville Shopping Center, located adjacent to Reisterstown Road within the core of the Pikesville commercial district. Within the Petition, the property owner seeks relief from Section 409.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a shopping center in a B.L.-C.T. zone with 217 parking spaces in lieu of the required 384 spaces. It is to be noted that the Petitioner avers that the applicable parking regulations are those which were in effect prior to 1988, rather than the current regulations.

The merits of the Petition were highly contested at the public hearing held for this case. Appearing on behalf of the Petitioner was James E. Matis, the Professional Engineer who prepared Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance. Theodore C. Julio, the General Partner of that entity known as the Pikesville Partnership, appeared, testified and was represented by Anthony J. DiPaola, Esquire. Pikesville Partnership is the owner of the subject property. Also appearing in support of the Petition was Peter J. Cimino, a barber who leases space within the shopping center.

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By M. H. Hark

Numerous witnesses appeared in opposition to the Petition. They included various employees/shop owners who currently lease space in the subject shopping center, including Madeline You of One Hour Drycleaners, Steve Zimmerman of Howard Luggage and Kimberly Thomas of the Shoemaker Market Store. Also appearing in opposition was Gabriel W. Rosenbush, Jr., of the Pikesville Chamber of Commerce, Samuel Gorn, a Real Estate Developer and owner of a nearby shopping center, and Jeffrey Levin of Fields Pharmacy, which is located immediately across Reisterstown Road from the subject site. Messrs. Gorn and Fields were represented by Nancy E. Paige, Esquire.

Prior to addressing the issues presented, a factual overview of the site and its history is appropriate. The property is zoned B.L.-C.T. and encompasses 4.17 gross acres and 3.498 net acres. It is improved by an L-shape building of approximately 80,000 sq. ft. which houses numerous retail, service and restaurant tenants. The site is also improved with two macadam parking lots, one in the front of the property and the other to the rear portion of the site. The property fronts Reisterstown Road and is adjacent to that roadway's intersection with McHenry Avenue. The site has been used in its present capacity as a shopping center for many years. Although the Petition before me did not seek determination of a nonconforming use, it is clear that the property has enjoyed its present use and the improvements thereon have existed for many years; perhaps as far back as 1954, prior to the adoption of the comprehensive zoning regulations by Baltimore County in 1955. Although there had been numerous internal renovations necessitated by the tenant turnover, it is clear that the exterior building envelope and parking lots have not been altered since the center was built. Recently, however, a new tenant, Poulet Chicken Restaurant moved into the shopping center. As a result of the neces-

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By M. H. Hark

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sary permits and internal renovations to accommodate this use, a question about the adequacy of the provided parking was raised. After substantial discussions between the Petitioner and County, the subject Petition for Variance was filed.

The nature of the relief requested and issues raised, thereby, need be emphasized. As stated above, the issue of whether the site constitutes a nonconforming use is not before me. Only a parking variance to permit 217 spaces in lieu of the 384 required is requested.

A threshold issue raised by the Petitioner relates to which version of the parking regulations are applicable to this case. The Petition for Variance which has been filed requests relief from Section 409.2 of the B.C.Z.R. ". . . as in effect at the time of the original permit approval." Counsel for the Petitioner references several sections of the B.C.Z.R. in support of its claim that the current regulations are not applicable. Specifically, the Petitioner correctly notes that the current parking regulations were adopted in 1988, pursuant to Council Bill 26-88. The Petitioner further notes that current Section 409.1 generally provides that the regulations apply only to structures built and uses established after the effective date of the legislation. The existing structure was built well prior to 1988. The use of the property as a shopping center, notwithstanding the ever changing mix of tenants, has existed for many years. Further, the Petitioner cites Section 409.1.B and the language therein, which provides that any project having C.R.G. approval prior to the date of the adoption of the parking regulations (1988) may modify their plans to satisfy the regulations, or may proceed under the regulations in effect at the time of the said approval. Lastly, the Petitioner notes that the C.R.G. process did not exist at the time this shopping cen-

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ter was constructed in 1954. It has been Baltimore County's long standing position that if a project was approved prior to the adoption of the C.R.G. process, reference to the C.R.G. within the B.C.Z.R. shall be deemed to mean that approval process which was in effect at the time the project was constructed. Based upon the collective language of these sections and this policy, I am persuaded that the Petition should be considered under the regulations as they existed prior to 1988.

Further, it is significant to note that the variance requested seeks only relief from the specific numeric requirements enunciated by those prior regulations. Interestingly, the method for computing the number of spaces required was not appreciably changed by the 1988 legislation. Moreover, it is to be noted that those parking standards which relate to aisle layout, parking space dimension and the like, should be governed by the prior regulations.

The second issue to be resolved is the standard which must be employed in determining whether the variance should be granted. The Protestants point to the language within Section 409.12.B of the B.C.Z.R. That section provides, in essence, that requirements for parking or loading space prescribed by Section 409 can be varied if strict adherence to those requirements would create an undue hardship upon the Petitioner. The Protestants note that the "undue hardship burden" is well defined by case law in Maryland. See e.g. Anderson v. Board of Appeals, 22 Md. App. 28, 322 A2d 220 (1974). That case identifies two standards commonly applied to variance cases; namely, the practical difficulty test and the undue hardship test. As the Protestants correctly note, the undue hardship test presents a Petitioner with a more onerous burden. Due to the language of 409.12.B, the Protestants believe that this more strict stan-

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dard should be applied in this case. For its part, the Petitioner avers that Section 409.12.B is inapplicable because it requests relief from the pre-1988 regulations, which did not contain a section akin to Section 409.12.B.

In evaluating the question presented, consideration of all of the provisions of the B.C.Z.R. is required. Section 307 provides the standard to be used when considering any variance. That section provides that the Zoning Commissioner has the authority to grant variances if strict compliance with the terms of the B.C.Z.R. would result in practical difficulty or unreasonable hardship. The use of the disjunctive term "or", is to be noted. Case law developed from an interpretation of this regulation is clear that relief may be obtained by a showing of practical difficulty. See e.g. Loyola Loan Association v. Buschman, 227 Md. 243 (1961). Further, Section 307.1 specifically empowers the Zoning Commissioner, and the Board of Appeals on appeal, to grant variances from off-street parking regulations. Thus, this section appears to be in direct conflict with the language of Section 409.12.B.

To resolve this apparent conflict, a review of the application of Section 409.12.B, in prior cases, is instructive. Relief under that section has been applied for in, at least, two cases; namely, No. 92-38-SPHX and 92-264-SPH. In 92-38-SPHX, the matter came before the Zoning Commissioner as a Petition by the Grand Lodge of Ancient Free and Accepted Masons of Maryland for the well known Bonnie Blink property in Hunt Valley. Relief was requested, pursuant to Section 409.12.B, to enable required parking for the proposed use to be located beyond the special exception boundaries thereof. In case 92-264-SPH, filed by John Falkenstein for that property known as 1006 Back River Neck Road, relief was requested

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pursuant to Section 409.12.B to permit the proposed parking layout notwithstanding the relevant portions of the Chesapeake Bay Critical Area legislation. Based upon these applications and the language of the relevant portions of the B.C.Z.R. provided above, it is apparent that the drafters of the B.C.Z.R. intended Section 409.12.B to provide a catch-all for those instances when modification of proposed parking layouts were sought. That is, Section 409.12.B is applicable to those rare instances when strict adherence to the parking regulations is impermissible, due to certain site constraints or conflicting regulations. In those more common cases where a parking variance is sought as to numbers of spaces, Section 307.1 is controlling. Thus, there is no conflict between Sections 409.12.B and 307.1. Due to the nature of the relief requested, it is clear that the Petitioner must satisfy the practical difficulty burden, not prove undue hardship in the instant case. Further, the absence of language in the pre-1988 regulations akin to Section 409.12.B is significant, in that the Petitioner is proceeding under the older regulations.

Having addressed the applicable regulations and Petitioner's burden of proof, attention is now turned to the merits of the proposed variance. As to the facts presented on this issue, there was little dispute. As indicated above, the site is improved by two parking lots which total 217 spaces. The front lot adjacent to Reisterstown Road contains 98 spaces. The rear lot, which is adjacent to the lower level of the shopping center, will accommodate 119 spaces.

Testimony and evidence presented was overwhelming that the front lot is overburdened and an ongoing source of traffic congestion. Although the shopping center is two-tiered, much of the lower level is vacant. To the contrary, the upper level, adjacent to the front lot, is nearly filled

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By M. H. Hark

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with tenants. Additionally, many of these tenants, including Jonathan Poulet Rotisserie Restaurant, for example, are heavy traffic generators. Due to the natural desire of the shopping center's patrons to park near their intended destination and not traverse the steep sloped topography of the site which falls away towards the rear, it is apparent that the front lot is frequently overcrowded while the rear lot is under utilized. This was confirmed within the testimony of the witnesses, by photographs presented, and within comments submitted from the Office of Economic Development. In fact, during a site visit, I was unable to park in the front lot and spent an inordinately long time negotiating the traffic within same, until finding available parking in the rear lot.

As a solution to this problem, the Petitioner proposes that the granting of the variance be conditioned upon the imposition of certain improvements to the property. These include a repaving and striping of the rear lot; the installation of lighting on the rear lot; the creation of a passage-way from the rear lot thru the middle of the shopping center to make the front portion thereof more accessible to patrons parking in the rear; and the installation of an elevator in the rear of the building to facilitate the movement of patrons using the rear parking area to the businesses located in the front portion of the shopping center. The Petitioner avers that these improvements would significantly reduce the impact of the variance by directing traffic to the rear portion of the site, thereby lessening congestion on the front lot and utilizing the available space to the rear.

Although the Protestants support these steps, they argue that they do not go far enough. Rather, the Protestants propose that if the variance is granted, the property owner be required to construct a parking deck on

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the rear lot. This deck would result in an increased number of spaces available on the rear lot. In response to this suggestion, the Petitioner notes the great financial expense of such an undertaking, as well as the fact that, even with the proposed deck, sufficient numbers of spaces would not exist to eliminate the need for the variance. Secondly, the Protestants argue that the Petitioner be required to require offsite parking facilities within 1,000 ft. of the property, pursuant to Section 409.7.B of the B.C.Z.R. In response to this proposal, the Petitioner indicated that same is not acceptable due to the congested parking situation in the entire Pikesville core center, the financial expense in acquiring such space, and the character of downtown Pikesville which promotes one stop parking with foot traffic from business to business.

The law regarding variances is well settled, as noted above. A variance may be granted where strict application of the subject zoning regulation would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, supra

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By M. H. Hark

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In considering all of the evidence and testimony presented in light of this standard, I am persuaded that the variance should be granted. My decision in this respect largely hinges upon the existing improvements and site constraints unique to this property. I believe that it is of note that the Petitioner acquired this property only several years ago and that there has been no additions to the building footprint which houses the shopping center stores. As the testimony reflected, this center has been unchanged in size and configuration since the early 1950s. Additionally, although internal uses have changed with tenant turnover, the use of the subject property has been the same for nearly 40 years. That use is best identified as a shopping center and, although the individual businesses may have changed, the general use of the property has not.

Notwithstanding my decision to grant the variance requested, I feel compelled to make some attempt to alleviate the parking congestion. This attempt will be made by way of the imposition of certain restrictions to the granting of the variance. Specifically, I will require the Petitioner to expeditiously complete all those improvements suggested by him which I concur will promote utilization of the rear lot and ease the front lot congestion. I will not, however, require compliance with the Protestants' recommendations. Although the installation of a parking deck would provide more spaces, it is not cost effective. In my view the meager benefits of constructing any such deck are not justified. Additionally, I will not require the Petitioner to acquire offsite property to accommodate additional parking. My decision, in this respect, is based in large part on the character of the Pikesville commercial community. Clearly, this section of downtown Pikesville is comprised of numerous businesses within close proximity of one another. There is no doubt that patrons of the

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locale park and shop at one store, then walk to the other businesses in the vicinity. Requiring the Petitioner to obtain other property within 1,000 ft. would not alleviate the congestion on this site. Frankly, it is doubtful whether the patrons of this center would utilize such space, even if acquired by the Petitioner.

Additionally, I will impose other restrictions which I believe are appropriate to the granting of the variance, to help eliminate traffic congestion on the property.

First, there was certain testimony about the proposed lease of space at the subject site for use by the United States Post Office. A post office use on this site, with its high volume of traffic, would greatly exacerbate a difficult situation. In that the testimony was that there has been no lease entered as of yet, I will prohibit the Petitioner from leasing space on this site to the United States Post Office. This will not require the Petitioner to break any leases and shall be a condition attached to the granting of the variance.

Secondly, it is clear that much of the congestion in the front lot is attributable to motorists who park their vehicles on that lot for long periods of time. Many of the businesses in the front level of the shopping center should provide quick turnover of customers. For example, the proposed Rite Aid, the drycleaners and the other retail outlets can expect their customers to be in and out quickly. These patrons are entitled to priority in the front lot. Employees of the various stores, students at the dance studio, the nail salon, and karate school should not utilize the front lot. For their extended visits to the center, they should park on the rear lot. Thus, to encourage this utilization, I will require the Petitioner to post and enforce a 30 minute time limit for all vehicles

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parking on the front lot. The rear lot will not be so limited. This restriction, it is hoped, will result in longer term parking in the rear lot, thereby making the front lot available to short term patrons. In preparing this restriction, I am aware of the potential effect on the Poulet restaurant use. In my view, this is the only current tenant within the front portion of the center which could be adversely affected. However, during the site visit, I dined at Poulet and observed the patronage. There was a great amount of walk-up business and the food is served cafeteria style; so that one can easily finish their meal at this restaurant within 30 minutes. If the patrons desire a more leisurely meal, they can park on the lower lot.

Lastly, it is to be noted that the granting of any Petition entails approval of the site plan which is submitted therewith. In this case, that plan is marked as Petitioner's Exhibit No. 1. In addition to a physical depiction of the subject site, that site plan contains a parking tabulation. My order shall be conditioned so that if a change in tenants result in a tabulation of required parking spaces greater than 384, then an amendment to the variance and site plan, with the required public hearing, shall be necessary.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of February, 1992 that a variance from Section 409.2 (current section 409.6) of the B.C.Z.R. to allow a shopping center in a B.L.-C.T. zone with 217 parking spaces, in lieu of the required 384

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spaces, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The variance is granted in accordance with Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance. This plat contains a schedule of uses for the subject site. In the event the Petitioner alters those uses and/or the tenant mix, so as to result in a total number of spaces required greater than 384, then the permission granted under this Petition for Variance shall be deemed to be forfeited unless the Petitioner has first sought and received an amendment of the plan through the public hearing process.
3. Notwithstanding any change of use as set forth in restriction No. 2 above, this variance is further restricted so as to prohibit the United States Post Office from entering into any lease agreement to become a tenant at the subject property.
4. The Petitioner shall post and strictly enforce a notice prohibiting any vehicular parking on the front parking lot, as heretofore described, for more than 30 minutes. The lower lot to the rear of the property shall not be so restricted.
5. The Petitioner shall cause the rear parking lot to be repaved and restriped so that same is in compliance with the applicable provisions of the B.C.Z.R.
6. The Petitioner shall install lighting on the rear lot to encourage use of same by patrons during the evening hours. Any lighting so installed, shall be directed towards the lot only and away from nearby properties.
7. The Petitioner shall create a passage-way from the rear lot through the shopping center structure to provide access to the front portion of the shopping center.

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By Jm. G. G. G.

8. The Petitioner shall install an elevator in the rear of the shopping center building to facilitate the movement of patrons between the rear parking area and the front portion of the shopping center.
9. The improvements listed within restriction numbers 4 thru 9 shall be completed within six (6) months from the date hereof.

10. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

LES/mm

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By Jm. G. G. G.

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

November 5, 1992

Anthony J. DiPaula, Esquire  
Covahey and Booser  
614 Bosley Avenue  
Towson, Maryland 21204

Nancy E. Paige, Esquire  
233 E. Redwood Street  
Baltimore, Maryland 21202

RE: Case No. 92-439-A  
Petition for Variance  
Pikesville Partnership, Petitioner

Dear Mr. DiPaula and Ms. Paige:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
att.

cc: Mr. James E. Matis  
Mr. Theodore C. Julio  
Mr. Madeline You  
Mr. Kimberly Thomas  
Mr. Stephen Zimmerman  
Mr. Gabriel W. Rosenbush, Jr.



## Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2 of the BCZR (as in effect at time of original permit approval) to allow a shopping center in a B.L.-C.T. zone with 217 parking spaces in lieu of 384 spaces as required, pursuant to current Section 409.1.B

The undersigned, legal owner(s) of the property situate in Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)  
The center was constructed in the early 1950's after adoption of formal zoning regulations but prior to comprehensive regulations regarding parking and is thus existing as it has been for nearly 40 years. Petitioner cannot demolish or abandon a portion of the center to meet current requirements, and seeks only permission to have what has lawfully existed. The variance became necessary in conjunction with permits obtained by a tenant making some improvements, and by petitioner improving property to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Anthony J. DiPaula, Covahey & Booser

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.: 828-9441

\*the existing improvements without any additions to square footage or useable space.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Pikesville Partnership

(Type or Print Name)

Signature

Address

City and State

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

(above)

Name

Address

City and State

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING - 1/2HR.

AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER

REVIEWED BY: LG DATE 4.30.92

THIS DESCRIPTION IS INTENDED FOR ZONING PURPOSES ONLY AND IS NOT FOR USE IN CONVEYANCE OF LAND.



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 2nd Date of Posting: May 28, 1992  
Posted for: Variance  
Petitioner: Pikesville Partnership  
Location of property: W/S of Reisterstown Road, 35' ± W of  
the E/S of Reisterstown Road, State Route 140 & McHenry Avenue  
Location of Sign: West side of Reisterstown Road in front  
of subject property  
Remarks:  
Posted by: L. J. DiPaola Date of return: May 29, 1992  
Number of Signs: 1

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 2nd Date of Posting: 8-4-92  
Posted for: Variance  
Petitioner: Pikesville Partnership  
Location of property: W/S of Reisterstown Road, 35' ± W of  
Reisterstown Road, State Route 140 and McHenry Avenue  
Location of Sign: Pikesville Shopping Center, 1340 Reisterstown Road  
West side of Reisterstown Road in front of subject property  
Remarks:  
Posted by: L. J. DiPaola Date of return: 8-7-92  
Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., May 28, 1992  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 28, 1992

THE JEFFERSONIAN,

S. Zake Orlean  
Publisher

\$ 44.73

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date: 5/13/92 Account: R-001-6150  
PAID PER TYPED RECEIPT DATED 5/11/92  
H9200472  
PUBLIC HEARING FEES QTY PRICE  
020 - ZONING VARIANCE (OTHER) 1 X \$250.00  
TOTAL: \$250.00  
LAST NAME OF OWNER: PIKESVILLE PART

Cashier Validation

Please Make Checks Payable To: Baltimore County

Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date: 12/7/92 Account: R-001-6150  
APPEAL OF VARIANCE (#140) \$175.00  
#92-439-A

ANTHONY J. DiPAULA

Please Make Checks Payable To: Baltimore County

Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date: 12/7/92 Account: R-001-6150  
Commercial Variance (#020) \$250.00  
Legal Owner: Pikesville Partnership  
Pikesville Shopping Center - #1340-#1404 Reisterstown Road  
W/S Reisterstown Road, 35' ± W from centerline  
Intersection of Reisterstown Road, State Route 140 and McHenry Avenue  
3rd Election District  
2nd Councilmanic District

Cashier Validation

Please Make Checks Payable To: Baltimore County

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., June 18, 1992  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 18, 1992

THE JEFFERSONIAN,

S. Zake Orlean  
Publisher

63.16

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date: 5/11/92 Account: R-001-6150  
Commercial Variance (#020) \$250.00  
Legal Owner: Pikesville Partnership  
Pikesville Shopping Center - #1340-#1404 Reisterstown Road  
W/S Reisterstown Road, 35' ± W from centerline  
Intersection of Reisterstown Road, State Route 140 and McHenry Avenue  
3rd Election District  
2nd Councilmanic District

Cashier Validation

Please Make Checks Payable To: Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE: 6/8/92

Pikesville Partnership  
10 Parks Avenue  
Cockeysville, Maryland 21030

RE:  
CASE NUMBER: 92-439-A  
W/S Reisterstown Road, 35' (±) W of c/l Reisterstown Road, State Route 140, and McHenry Avenue  
1340 - 1404 Reisterstown Road - Pikesville Shopping Center  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Pikesville Partnership

Dear Petitioner(s):

Please be advised that \$ 79.73 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.  
Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl J. Jahn

ARNOLD JAHN  
DIRECTOR

cc: Anthony J. DiPaola, Esq.

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date: 7/24/92 Account: R-001-6150  
PUBLIC HEARING FEES QTY PRICE  
060 - POSTING SIGNS / ADVERTISING 1 X \$63.16  
TOTAL: \$63.16  
LAST NAME OF OWNER: PIKESVILLE PART

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date: 7/24/92 Account: R-001-6150  
PUBLIC HEARING FEES QTY PRICE  
060 - POSTING SIGNS / ADVERTISING 1 X \$63.16  
TOTAL: \$63.16  
LAST NAME OF OWNER: PIKESVILLE PART

Cashier Validation

Please Make Checks Payable To: Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE: 7-10-92

Pikesville Partnership  
c/o Anthony J. DiPaola, Esq.  
614 Bowley Avenue  
Towson, Maryland 21204

RE:  
Case Number: 92-439-A (Item 472)  
W/S Reisterstown Road, 35' W of c/l Reisterstown Road, State Route 140 and McHenry Avenue  
1340 - 1404 Reisterstown Road - Pikesville Shopping Center  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Pikesville Partnership  
HEARING: JULY 24, 1992 at 9:00 a.m. in Rm. 106, Office Building\*

Dear Petitioner(s):

Please be advised that \$ 63.16 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl J. Jahn

ARNOLD JAHN  
DIRECTOR

\*This hearing date assigned due to your postponement request. These charges are from advertising costs related to same. As you are aware, the case has once again been postponed due to the request of Petitioner's attorney. Your client will not be billed for advertising or posting associated with the new date.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

May 19, 1992

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-439-A  
W/S Reisterstown Road, 35' (±) W of c/l Reisterstown Road, State Route 140, and McHenry Avenue  
1340 - 1404 Reisterstown Road - Pikesville Shopping Center  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Pikesville Partnership  
HEARING: THURSDAY, JUNE 23, 1992 at 9:30 a.m.

Variance to allow a shopping center with 217 parking spaces (as in effect at time of original permit approval) in lieu of 380 spaces as required.

Lawrence E. Schmidt

Zoning Commissioner of  
Baltimore County

cc: Pikesville Partnership  
Anthony J. DiPaola, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.





111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

JULY 10, 1992

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-439-A  
LEGAL OWNER: Pikesville Partnership  
LOCATION: 1340-1404 Reisterstown Road (Pikesville Shop Ctr)

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

TUESDAY, AUGUST 25, 1992 at 9:00 a.m.

IN THE BALTIMORE COUNTY ROOM 118, COURTHOUSE, 400 WASHINGTON AVENUE,  
TOWSON, MARYLAND 21204.

*Laurence E. Schlot*  
Laurence E. Schlot

ZONING COMMISSIONER  
BALTIMORE COUNTY

cc: Pikesville Partnership  
Anthony J. DiPaula, Esq.  
Nancy E. Paige, Esq.  
Pikesville Chamber of Commerce



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

June 15, 1992

Anthony J. DiPaula, Esquire  
614 Bosley Avenue  
Towson, MD 21204

RE: Item No. 472, Case No. 92-439-A  
Petitioner: Pikesville Partnership  
Petition for Variance

Dear Mr. DiPaula:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this  
6th day of May, 1992

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:

*W. Carl Richards Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Pikesville Partnership, et al  
Petitioner's Attorney: Anthony J. DiPaula

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 26, 1992  
Zoning Administration and Development Management  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting  
for May 25, 1992  
Item 472

The Developers Engineering Division has reviewed the subject zoning item and we offer the following landscape comments:

If the variance is granted, the entire site should be required to comply with the landscape manual to the extent possible.

*Robert W. Bowling DAK*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:DAK:s

RECEIVED  
JUN 2 1992  
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND  
OFFICE OF PLANNING AND ZONING  
New Courts Bldg - 401 Bosley Avenue, Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director  
Zoning Administration & Development Management

FROM: Office of Planning and Zoning

DATE: May 20, 1992

SUBJECT: Pikesville Shopping Center

INFORMATION:  
Item Number: 472  
Petitioner: Pikesville Partnership

Property Size: 4.17 acres

Zoning: BL-CT

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:  
The petitioner is requesting a variance to allow a shopping center in a BL-CT zone with 217 parking spaces in lieu of 380 spaces as required.

The Office of Planning and Zoning recommends APPROVAL of the petitioners request.

The Pikesville Shopping Center is a key component of the Pikesville Revitalization Plan. It has existed with its current retail capacity and parking for 40 years.

This Office is committed to increasing Pikesville's ability to retain and attract new business, and to improve the physical appearance of the business district.

ZAC Comments  
The Pikesville Shopping Center is identified as an "Opportunity Area" in the Pikesville Revitalization Plan. The Center contains one of the Pikesville areas' largest mass of built retail space; and, was mostly vacant to marginal in 1989.

A visual Analysis of Reisterstown Road (in Pikesville) categorized it in 3 distinct segments: the Urban Convenience Area; the Urban Village, and the Urban Boulevard. The Pikesville Shopping Center is located in the Urban Village Area. The Plan suggest that the Urban Village area could be largely pedestrian oriented. While the other areas were more conducive to the automobile.

In summary, given the Pikesville Shopping Center's proximity to public off-street parking (Revenue Authority Parking Lot), employment centers such as the State Police Headquarters, institutional uses such as the Library and Senior Center, and planned elderly housing, this Office supports the requested parking variance.

Prepared by:

Division Chief: *Erin M. Daniel*

FM/EMD:rdn

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: May 22, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 18, 1992

ITEM NUMBER: 472

It appears that some additional parking spaces can be added to the parking lot in the rear of the building.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF/dm

RECEIVED  
JUN 2 1992  
ZONING OFFICE

6379.92  
92-439-A 6-23  
BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director DATE: June 10, 1992  
Zoning Administration and  
Development Management  
FROM: Mr. J. Lawrence Pilon *JLP/lms*  
Development Coordinator, DEPRM  
SUBJECT: Zoning Item 472  
#1340-1404 Reisterstown Road  
Zoning Advisory Committee Meeting of May 18, 1992

Redevelopment of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

LJP:sp

JABLON/S/TXTS8P

RECEIVED  
JUN 16 1992  
ZONING OFFICE

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: PIKESVILLE PARTNERSHIP  
Location: #1340-1404 REISTERSTOWN ROAD  
Item No.: +472 (WCR) Zoning Agenda: MAY 18, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Jerry G. Giff Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

RECEIVED  
MAY 26 1992  
ZONING OFFICE

Department of ~~Development and Planning~~  
Development Review Committee Response Form  
Authorized Signature WCR Date 6/1/92

File Number	Waiver Number	Zoning Issue	Meeting Date
✓ Philip And Carol Faulkenklous	461	No Comments	5-18-92
✓ August J. And Elsie W. Seifert	464	No Comments	
✓ Francis D. And Suzanne L. Sovie	465	No Comments	
✓ Robert N. And Joan M. Greene	466	No Comments	
✓ Joseph P. And Gloria G. Connors	467	No Comments	
✓ Kilmarck Associates	468	No Comments	
✓ Automaster, Inc.	469	No Comments	
✓ Douglas And Mary Holschneider	470	No Comments	
✓ Reisterstown Bible Church	471	No Comments	
✓ Pikesville Partnership	472	No Comments	
✓ Baltimore Gas And Electric Company	475	No Comments	
✓ Charles R. Carroll	476	No Comments	

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

December 17, 1992

Baltimore County Board of Appeals  
Old Courthouse, Room 49  
400 Washington Avenue  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
W/S Reisterstown Rd, 35' W c/l  
Reisterstown Road & McHenry Avenue  
(1340-1404 Reisterstown Road)  
3rd Election District, 2nd Councilmanic District  
PIKESVILLE PARTNERSHIP-Petitioner  
Case No. 92-439-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on December 7, 1992 by Anthony J. DiPaula. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Arnold Jablon  
Arnold Jablon - Director  
Zoning Administration and  
Development Management

Enclosures

cc: Mr. James E. Matis, Professional Engineer, 411 Dunkirk Rd,  
Baltimore, MD 21212

Mr. Theodore C. Julio, Pikesville Partnership  
9640 Deerco Road, Baltimore, MD 21093

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Baltimore County Board of Appeals  
December 17, 1992  
Page 2

Mr. Gabriel W. Rosenbush, Jr., Pikesville Chamber of Commerce  
P.O. Box 32122, Pikesville, MD 21208

Nancy Paige, Esquire, 233 E. Redwood Street, Balto., MD 21202

People's Counsel of Baltimore County  
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

File

#### APPEAL

Petition for Zoning Variance  
W/S Reisterstown Rd, 35' W c/l  
Reisterstown Road & McHenry Ave  
1340-1404 Reisterstown Rd  
3rd Election District - 2nd Councilmanic District  
Pikesville Partnership-PETITIONER  
Case No. 92-439-A

Petitioner(s) for Zoning Variance  
Description of Property  
Certificate of Posting  
Certificate of Publication  
Entry of Appearance of People's Counsel  
Zoning Plans Advisory Committee Comments  
Director of Planning & Zoning Comments (Included with ZAC Comments)  
Petitioner(s) and Protester(s) Sign-In Sheets

Petitioner's Exhibits:

1. plat to accompany Petition
2. Parking Study
3. & 4. Photographs of site
5. Parking Tabulation 1974
6. Permits & Licenses Letter
7. & 8. Photographs of site

Protestant's Exhibits:

1. U.S. Postal Service Letter
2. Pikesville Chamber of Commerce Letter
3. Photographs of the site.
4. No Exhibit marked #4
5. Cunningham & Associates Letter
6. No Exhibit marked #6
7. No Exhibit marked #7
8. ZAC Comment Booklet
9. Pikesville Parking Study  
Reisterstown Road Corridor

Zoning Commissioner's Order dated November 6, 1992 (GRANTED)

Notice of Appeal received on December 7, 1992 from  
Anthony J. DiPaula

cc: Mr. James E. Matis, Professional Engineer, 411 Dunkirk Rd,  
Baltimore, MD 21212  
Mr. Theodore C. Julio, Pikesville Partnership, 9640 Deerco Rd,  
Baltimore, MD 21093  
Mr. Gabriel W. Rosenbush, Jr., Pikesville Chamber of Commerce,  
P.O. Box 32122, Pikesville, MD 21208  
Nancy Paige, Esquire, 233 E. Redwood Street, Balto., MD 21202  
People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning  
Patrick Keller, Office of Planning & Zoning  
Lawrence E. Schmidt, Zoning Commissioner  
Timothy M. Kotroco, Deputy Zoning Commissioner  
W. Carl Richards, Jr., Zoning Coordinator  
Docket Clerk  
Arnold Jablon, Director of ZADM  
Public Services

1/15/93 - Following parties notified of hearing set for June 9,  
1993 at 10:00 a.m.:

Anthony J. DiPaula, Esquire  
Mr. Theodore C. Julio  
Pikesville Partnership  
Mr. James E. Matis  
Mr. Gabriel W. Rosenbush, Jr.  
Nancy Paige, Esquire  
People's Counsel for Baltimore County  
Public Services  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon

3/18/93 -Letter dtd 3/17/93 from Anthony DiPaula, Esquire -withdrawing appeal on  
behalf of Petitioner/Appellant; requesting dismissal.

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

June 29, 1992

Anthony J. DiPaula, Esquire  
Covahey & Booser, P.A.  
614 Bosley Avenue  
Towson, MD 21204

RE: Preliminary Petition Review (Item #472)  
Case #92-439-A  
Legal Owner: Pikesville Partnership  
Pikesville Shopping Center  
3rd Election District

Dear Mr. DiPaula:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning issues/filing requirements would be addressed. Subsequent review by the staff has not revealed any unaddressed zoning issues and the petition has been accepted for filing.

The following comments are a result of an analysis of the petitioner's site plan and zoning records, which reveal statistics that have not been explicitly stated on the plan. This may be helpful in explaining the scope of the requested parking variance:

1. Parking provided on the plan - front lot 98 spaces, rear lot 119 spaces; 217 total.
2. Lower level uses require 126.4 spaces, front street level uses 240.12 spaces required, 2nd floor 13.33 spaces required; total 379.85 (380) required spaces.
3. Tenant space #19 - Poulets Chicken Restaurant is the tenant space that received the provisional building permit approval.
4. The site plan submitted for zoning case #3258-S in 1954 granted a sign variance for Food Fair. It showed front lot 108, back lot 167; total 275 spaces.

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Anthony J. DiPaula, Esquire  
June 29, 1992  
Page 2

5. The circulation pattern has been redesigned since 1954, which eliminated some spaces in that plan.

6. The reduction of parking from the 1954 plan on file is from 275-217 = 58 spaces plus 48 spaces for increase to restaurant = 106 spaces. The variance requests a difference of 163 spaces in order to bring the total site up to standard to meet current parking requirements.

Since tenant names are not part of the parking tabulation chart shown on the plan, it is advised that the applicant be prepared with this additional information prior to any future permit approvals.

Concurrent with the variance request, the applicant has been granted building permits for exterior parking lot and facade improvements. This project represents a major contribution to improving the Pikesville commercial shopping district.

If you need further information or have any questions, please do not hesitate to contact Laurence Goetz at 887-3391.

Very truly yours,

WCR  
W. Carl Richards, Jr.  
Zoning Coordinator

By: Laurence J. Goetz  
Planner I

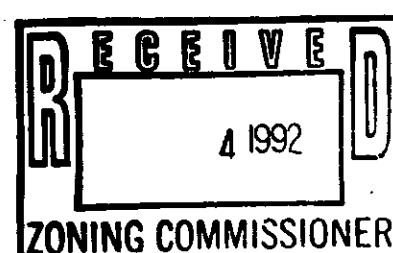
LJG:scj





BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Distribution List A - DATE: December 3, 1992  
Department Heads  
FROM: Merreen E. Kelly  
Administrative Officer  
SUBJECT: 1990 Census



The Office of Planning is currently working with the Maryland Office of Planning and the Baltimore Metropolitan Council on a Cooperative Forecasting Project to update population, household, and employment forecasts for 1995, 2000, 2010 and 2020. Agencies will be asked to review these projections prior to finalization.

As part of this process, a State analysis of 1990 census data as it relates to Baltimore County and our place in the region was recently presented by representatives of Maryland Office of Planning. Some very valuable information regarding demographic changes in our county was brought to light (e.g., net migration flows, aging population, decreasing household sizes, changes in employment patterns).

Recognizing the benefit of this information to all of our departments, I have requested representatives of the Maryland Office of Planning repeat their presentation for our department heads on December 18, 1992, at 1:30 p.m. in the Executive Conference Room. This presentation will take about 45 minutes, and we will allow approximately 30 minutes for questions.

Please make every effort to join me at this briefing.

*Merreen E. Kelly*  
Merreen E. Kelly

MEK:RHB:cam  
DEMOGRPH/TXTCRM



ZONING OFFICE

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director /ZADM DATE: May 28, 1993  
FROM: Kathleen C. Weidenhammer  
County Board of Appeals  
SUBJECT: Closed File: Case No. 92-439-A /Pikesville Partnership

As no further appeals have been taken regarding the subject matter, we have closed the file and are returning same to you herewith.

Attachment

Office of Planning & Zoning  
of Balto. County  
County Office Building  
Towson, Md. 21204

RE: request for variance  
Case # 92-439

We, the undersigned merchants of the Pikesville Shopping Center, are writing this letter to inform you that we are in protest of the proposed variance request to lower the required number of parking spaces available for use in our center.

The front parking lot is full during most of the day. The rear lot is usually filled up by employees of either our center or other businesses in the area who either contract for spaces from the landlord or just park there because of the convenience.

With the addition of at least three other locations in the Pikesville Shopping Center which are either not yet leased or are not yet opened, the number of people using the parking lots will significantly increase the now existing problem.

We believe that something has to be done to increase the number of available parking spaces in the Pikesville shopping area- not decrease the number. We hope the Baltimore County Office of Planning and Zoning feels the same way and does not allow the variance as requested.

Sincerely yours,

The undersigned merchants  
of the Pikesville Shopping  
Center:

*Robert Zimm* VP *Howard Luggay Co*  
*Harvey Stokes* *Supermarket, Inc.*  
*Lyndal Rydbeck* *Pikesville Jewelry & Gifts*  
*Kathy Sanders* *1 hour Cleaners*  
*Gary Paulsen* *Amazing Savings*

*Nathan Schultz* *Amazing Savings*  
*Robert C. Brown* *Home*

JUL 13 1992

OFFICE OF  
PLANNING & ZONING

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

JUNE 10, 1992

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-439-A  
LEGAL OWNER: PIKEVILLE PARTNERSHIP  
LOCATION: 1340- 1404 REISTERSTOWN ROAD

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

FRIDAY, JULY 24, 1992 at 9:00 a.m.

IN THE BALTIMORE COUNTY ROOM 106, COUNTY OFFICE BUILDING, 111 W ALLEGHENY AVENUE, TOWSON, MARYLAND 21204.

*Laurence E. Schmidt*  
Laurence E. Schmidt

ZONING COMMISSIONER  
BALTIMORE COUNTY

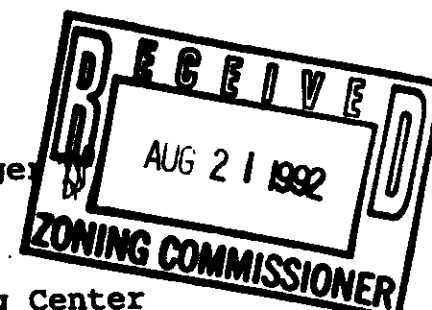
cc: Pikesville Partnership  
Anthony J. DiPaula, Esq.  
Mrs. Freeland  
Fields of Pikesville

Printed on Recycled Paper

BALTIMORE COUNTY  
DEPARTMENT OF ECONOMIC DEVELOPMENT

Memorandum

TO: Lawrence Schmidt, Zoning Commissioner  
FROM: Kimberlee S. Piper, Revitalization Manager  
DATE: August 21, 1992  
RE: Parking Variance for Pikesville Shopping Center  
(Julio - Case #92-439)



In conjunction with the Pikesville Master Plan, the Department of Economic Development has been working closely with the Pikesville Community to implement a variety of strategies designed to revitalize the traditional core of Pikesville. Recent major investments involve purchase of the Pikes Theater to be used as a Cultural Arts Center and the Streetscape now the area with new sidewalks, landscaping, furnishings, pocket parks, and an entry welcome marker. The Department of Economic Development is also involved in marketing to increase occupancies, increasing parking awareness, providing low-interest loans to new businesses, improving the road system, creating a development plan for the triangle area, and other projects assisting individual businesses with specific needs. This multitude of efforts is directed at improving opportunities for businesses in Revitalization Areas.

The concern for the economic health of Pikesville and its surrounding neighborhoods is paramount, but this often involves a delicate balance of business interests and practical considerations, as are evident with the Pikesville Shopping Center. This property is a focal point in the area and its appearance and vacancies have been a concern of many. It is our intention to help the owners and tenants in any way possible to improve on these conditions. Over the past few years we have worked with both owners and tenants to provide incentives and resolve issues. We are extremely pleased with the new tenants, the current substantial (and attractive) renovations, and the Julios' interest in blending their improvements with the streetscape. The Pikesville community is also delighted with these improvements.

However, parking is an issue in Pikesville and a serious problem has developed at the Pikesville Shopping Center site. The popularity of the new tenants (even before the center is full) has brought the lot to overflowing. I have made a point to visit the site at various times throughout the day, weekdays and weekends, and the lot is usually completely full, with additional cars circulating for openings. My office has also received calls from neighbors whose customers cannot find spaces on their own lots because of the overflow. Security guards are being hired and cars are being towed. Customers are also becoming frustrated trying to shop at the Julio property itself. A parking problem does exist.

Page Two  
Lawrence Schmidt, Zoning Commissioner

August 21, 1992

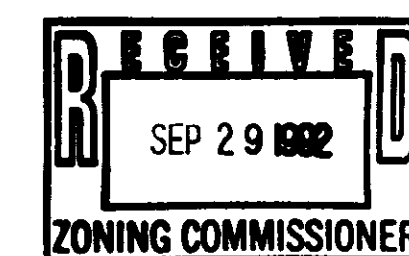
In older areas, where parking is difficult, it is our policy to examine every possible option to address the situation, encourage owners to pursue each opportunity, and then to be supportive of parking variances. The site in question has a large parking lot at the rear. Although it does not provide all the required spaces, it substantially addresses the problem. At present, this lot is down a steep grade, insufficiently lit, and generally in poor condition. The Department of Economic Development feels that if these problems are corrected, including repaving, lighting, and an elevator access to storefront level, the lot would be appealing and would be utilized as a reasonable alternative. If these corrections are made, and employee parking is available and required off-site, we are supportive of the requested parking variance.

KSP/vw

BALTIMORE COUNTY  
DEPARTMENT OF ECONOMIC DEVELOPMENT

Memorandum

TO: Lawrence Schmidt, Zoning Commissioner  
FROM: E. Neil Jacobs, Director  
Department of Economic Development  
DATE: September 28, 1992  
RE: Parking Variance for Pikesville Shopping Center  
(Julio - Case #92-439)



On August 21, 1992, the Department of Economic Development submitted comments regarding the above-referenced parking variance. As a result of the hearings and additional discussions with the property owner, we feel that our recommendation to require employees to park off-site might reasonably be amended to a requirement for all employees to park on the rear lot and for the grass area at the Bedford/McHenry corner to be utilized to create as many additional spaces as possible.

This change in our stance is with the understanding that the elevator and passageway will be installed directly after the granting of the variance (within 1-2 months), as it is needed now, and that the rear lot will be constructed as proposed during the hearings, to allow for maximum parking.

Thank you for your consideration of our comments. After your reading, please advise us of the outcome of this issue.

ENJ:bb

111 West Chesapeake Avenue  
Towson, MD 21204

PH7-3353

Provisional Approval  
Permit No: 6122544  
POULET, INC.  
LOCATION: 1340 REISTERSTOWN RD

DATE: 3/20/92

The issuance of this permit in no way grants or implies approval of any matter relating to this property which is in conflict with the Baltimore County Zoning Regulations.

The issuance of this permit is subject to the following Conditions: (Please check appropriate box(es))

- ☐ Owner has filed for a public hearing, Item # \_\_\_\_\_.
- ☒ Owner must file for a public hearing within \_\_\_\_\_ days before the Zoning Commissioner requesting relief from all conflicts with the Baltimore County Zoning Regulations.
- ☐ Owner/contract purchaser must submit a complete revised site development plan and requested accompanying information within \_\_\_\_\_ days resolving all possible conflicts with the Baltimore County Zoning Regulations.

The owner/contract purchaser may proceed at his own risk with the construction indicated in the above-referenced permit.

However, in the event that all of the above conditions are not completed as stipulated, and/or the petition for relief has been denied, dismissed or withdrawn, this provisional approval is rescinded forthwith.

Immediately thereafter the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

*Call Jacobs* Director  
Zoning Administration & Development Management

I have read the above statement and I agree to abide by the decision of the Zoning Commissioner in this matter. I also hereby certify that I the undersigned am in fact the owner and if applicable the contract purchaser and not just an agent.

Signed *Julio*  
Owner  
(Please print clearly)  
Name *Ted Julio*  
Address *10 Pikesville Avenue*  
City/Township/State *Baltimore, MD 21204*  
Work Phone *837-1300*  
Home Phone # \_\_\_\_\_

Signed *Jonathan Soudrey*  
Contractor/Developer/ Tenant  
(Please print clearly)  
Name *Jonathan Soudrey*  
Address *9 Waverly Rd*  
City/Township/State *Baltimore, MD 21204*  
Work Phone *837-6653*  
Home Phone # *837-6650*



IN THE MATTER OF  
PIKEVILLE PARTNERSHIP  
W/S REISTERSTOWN ROAD, 35' W \* COUNTY BOARD OF APPEALS  
C/L REISTERSTOWN ROAD AND \* OF  
MCHENRY AVENUE \* BALTIMORE COUNTY  
(1340-1404 REISTERSTOWN ROAD) \*  
3RD ELECTION DISTRICT \* CASE NO. 92-439-A  
2ND COUNCILMANIC DISTRICT \* \* \* \* \*

#### ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Zoning Commissioner dated November 6, 1992, wherein the requested Petition was granted with restrictions.

WHEREAS, the Board is in receipt of a letter of dismissal filed by Anthony J. DiPaula, Esquire, Counsel for Pikeville Partnership, Petitioner/Appellant, dated March 17, 1993 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal filed in this matter be dismissed and withdrawn as of March 17, 1993;

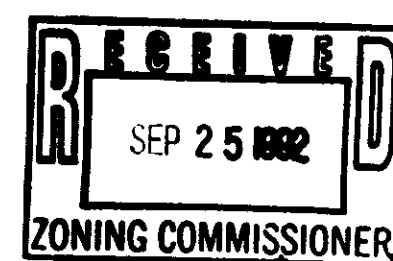
IT IS HEREBY ORDERED this 18th day of March, 1993 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*Michael B. Spier*  
Michael B. Spier, Acting Chairman

*Harry E. Buchheiser, Jr.*  
Harry E. Buchheiser, Jr.

*John G. Disney*  
John G. Disney



IN RE: W/S Reisterstown Road, 35' \* ZONING COMMISSIONER  
W of C/L Reisterstown \* OF BALTIMORE COUNTY  
Road State Route 140 and \*  
McHenry Avenue \*  
1340-1404 Reisterstown Rd \* CASE NO.: 92-439-A  
Pikeville Shopping Center \* (Item 472)  
3rd Election District \*  
2nd Councilmanic \*  
Pikeville Partnership \*  
Petitioner \*

#### PETITIONER'S MEMORANDUM

Pikeville Partnership, by its undersigned counsel, respectfully submits this Memorandum in support of its Petition for Variance.

#### I. APPLICABLE REGULATIONS

The threshold matter to be addressed concerns which of the Baltimore County Zoning Regulations are applicable in this matter. The Petition for Variance as filed and as advertised seeks a variance from "Section 409.2 of the BCZR (as in effect at time of original permit approval) ..., pursuant to current Section 409.1.B". This was done at the recommendation of zoning office personnel at a pre-filing meeting. Under Section 409.1.A, the current parking regulations apply only to "all structures built and all uses established hereafter ...", obviously referring to those coming subsequent to Council Bill No. 26, 1988. Section 409.1.B, in its entirety, states:

Those projects which have CRG approval prior to the effective date of these regulations may modify their plans to satisfy these regulations or may proceed under the regulations in effect at the time of said approval.

Under Section 22-40 of the Baltimore County Code which, until very recently, provided the statutory scheme for County Review Group action, applied only to development subsequent to the effective date of those regulations (June 11, 1982). It has been the position of the development office and the zoning office that developments and structures which were in existence prior to the effective date of the CRG statutory scheme have the equivalent of CRG approval, and the provisions of 409.1.B, would be applicable.

It should also be noted that the plan and petition were filed in this fashion, expressly premised upon the pre-1988 regulations, and were circulated among the various County agencies for review and comment. Written comments were then submitted to the Zoning Commissioner for consideration in hearing the case. None of the comments questions the applicability of the parking regulations as they existed prior to passage of Bills No. 26 and 36 in 1988 which contained the new existing parking regulations.

It is for these reasons that the Petitioner elected to use the regulations in effect prior to 1988 since, as

established in the testimony, the shopping center in this matter was constructed in the early 1950's even before the 1955 Regulations, and obviously had approvals which pre-dated the CRG process.

#### II. APPLICABLE LAW OF VARIANCES

It has been argued by the Protestants that the applicable standard to be applied in this case is provided in BCZR Section 409.12.B, which Section provides for a petition and hearing pursuant to Section 409.8.B.1. Neither of these Sections, or anything comparable, existed under the pre-1988 regulations. If the new regulations are applicable, then the standard to be applied in deciding the variance would be limited to undue hardship, and the procedure followed should have been as outlined in Section 409.8.B.1, none of which was raised by the Protestants, either preliminarily or at the conclusion of the hearing. It is still the position of the Petitioner, as recommended and fostered by the Office of Zoning and the various agencies reviewing the Petitioner's filings, that the pre-1988 regulations are applicable, and therefore the standards of BCZR Section 307 apply. Since, under BCZR Section 307.1, the Zoning Commissioner is "... given the power to grant variances ... from off-street parking regulations ... where strict compliance with the Zoning Regulations for Baltimore

County would result in practical difficulty or unreasonable hardship", that is the standard to be applied in this case.

There have been several cases over the years addressing the issues of practical difficulty and unreasonable hardship, and probably the most often cited case is Marino v. City of Baltimore, 215 Md. 206 (1957). In that case, Judge Horney, writing for the Court of Appeals, stated:

The criterion for determining unnecessary hardship is whether the applicable zoning restriction when applied to the property and the setting of its environment is so unreasonable as to constitute an arbitrary and capricious interference with the basic right of private ownership.

Id. at 217. In that opinion, it is also stated:

The expression "practical difficulties or unnecessary hardships" means difficulties or hardships which are peculiar to the situation of the applicant for the permit and are not necessary to carry out the spirit of the ordinance in which are of such a degree of severity that their existence amounts to a substantial and unnecessary injustice to the applicant.

Id., quoting from Carney v. City of Baltimore, 201 Md. 130, 137 (1952). See also Park Shopping Center, Inc. v. Lexington Park Theater Company, Inc., 216 Md. 271 (1958); Anderson v. Board of Appeals, Town of Chesapeake Beach, Md., 22 Md. App. 28 (1974).

As noted in the Marino case, such variance cases "inevitably depend on the facts of each case", and it becomes

a question of whether the evidence produced sufficiently shows that the applicant cannot secure a reasonable return from or make a reasonable use of his property. Marino, at 218.

#### III. REVIEW OF THE FACTS AND EVIDENCE PRESENTED

The Petitioner in this case produced evidence that the subject shopping center consists of just under 80,000 square feet of leasable space, and was constructed in approximately 1953. Various tenants have come and gone over the years, but the use has continued as a mixed-use shopping center for nearly forty (40) years. There have been no additions to the building, and the site area is as it always has been since its initial construction. Under the regulations applicable in this case, the site can accommodate only 217 parking spaces. No question of adequate parking was ever raised before, and in fact, around the time that the Petitioner assumed the ownership and management of the property in 1984, a letter was generated by the County requiring the reservation and striping of handicapped parking spaces. See Petitioner's Exhibit 6.

The Petitioner is in the process of investing approximately \$300,000.00 in face-lifting the site to attract tenants. This site has also been described by the Department of Economic Development and the Office of Current Planning as an integral part of the Pikeville Revitalization Plan. The

improvements being made to the site have been coordinated with the Pikeville Streetscape Plan.

The issue of a parking variance only came up when one of the newer tenants at the center applied for an alterations permit to renovate the interior of its leased space, and it was then determined that the nearly forty (40) year old shopping center did not meet current parking standards. The permits were issued conditionally upon Petitioner filing for and obtaining what is sought in this case. Based upon calculations made with the knowledge and assistance of zoning office personnel, and applying the pre-1988 parking standards, the site is short some 167 parking spaces. The only alternatives available to the Petitioner if the requested variance is not granted are: (1) leave vacant approximately 50% of the leasable space in the shopping center, that being the comparable square footage to the deficit in parking spaces; (2) invest approximately \$1 million in constructing a parking deck which will net not more than 80 or 90 parking spaces, an unreasonable and nonfeasible alternative, both practically and economically; and (3) lease or acquire additional parking or land which can be converted to parking.

It is not a reasonable alternative to ask a property owner to make no use of and otherwise abandon 50% of its

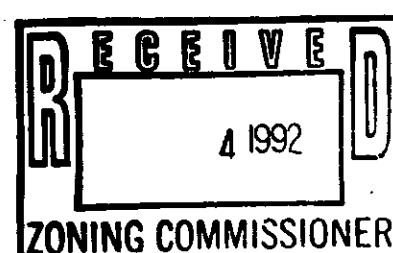
useable property. Same constitutes a waste of land, and takes away something which was reasonably and legally enjoyed previously. Furthermore, it is difficult enough to own and manage commercial property profitably with normal tenant turnover and nearly full occupancy, but it is impossible to do so when the most one can maintain is a 50% occupancy rate.

Nor is it feasible or practical to ask a property owner to invest \$1 million in constructing additional on-site parking facilities. Such a property owner would not only fail to obtain a reasonable return from his property, but would instead obtain no return after having to make such a substantial investment in a property that simply is not worth it. Additionally, it should be noted that even after such a large investment, the property would still not conform to necessary parking requirements.

A suggestion was made by at least one of the Protestants that, because of the zoning of the site, additional off-site parking is permitted up to 1,000 feet away from the site. Testimony established that existing patrons do not even wish to use public parking facilities across the street less than 200 feet away. Testimony also established that existing patrons under-utilize on-site parking in the rear of the center due to lack of convenience, and the point was made by the

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Distribution List A - DATE: December 3, 1992  
Department Heads  
FROM: Merreen E. Kelly  
Administrative Officer  
SUBJECT: 1990 Census



The Office of Planning is currently working with the Maryland Office of Planning and the Baltimore Metropolitan Council on a Cooperative Forecasting Project to update population, household, and employment forecasts for 1995, 2000, 2010 and 2020. Agencies will be asked to review these projections prior to finalization.

As part of this process, a State analysis of 1990 census data as it relates to Baltimore County and our place in the region was recently presented by representatives of Maryland Office of Planning. Some very valuable information regarding demographic changes in our county was brought to light (e.g., net migration flows, aging population, decreasing household sizes, changes in employment patterns).

Recognizing the benefit of this information to all of our departments, I have requested representatives of the Maryland Office of Planning repeat their presentation for our department heads on December 18, 1992, at 1:30 p.m. in the Executive Conference Room. This presentation will take about 45 minutes, and we will allow approximately 30 minutes for questions.

Please make every effort to join me at this briefing.

*Merreen E. Kelly*  
Merreen E. Kelly

MEK:RHB:cam  
DEMOGRPH/TXTCRM



ZONING OFFICE

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director /ZADM DATE: May 28, 1993  
FROM: Kathleen C. Weidenhammer  
County Board of Appeals  
SUBJECT: Closed File: Case No. 92-439-A /Pikesville Partnership

As no further appeals have been taken regarding the subject matter, we have closed the file and are returning same to you herewith.

Attachment

Office of Planning & Zoning  
of Balto. County  
County Office Building  
Towson, Md. 21204

RE: request for variance  
Case # 92-439

We, the undersigned merchants of the Pikesville Shopping Center, are writing this letter to inform you that we are in protest of the proposed variance request to lower the required number of parking spaces available for use in our center.

The front parking lot is full during most of the day. The rear lot is usually filled up by employees of either our center or other businesses in the area who either contract for spaces from the landlord or just park there because of the convenience.

With the addition of at least three other locations in the Pikesville Shopping Center which are either not yet leased or are not yet opened, the number of people using the parking lots will significantly increase the now existing problem.

We believe that something has to be done to increase the number of available parking spaces in the Pikesville shopping area- not decrease the number. We hope the Baltimore County Office of Planning and Zoning feels the same way and does not allow the variance as requested.

Sincerely yours,

The undersigned merchants  
of the Pikesville Shopping  
Center:

*Robert Zimm* VP *Howard Luggay Co*  
*Harvey Stokes* *Supermarket, Inc.*  
*Lyndal Rydbeck* *Pikesville Jewelry & Gifts*  
*Kathy Sanders* *1 hour Cleaners*  
*Gary Paulsen* *Amazing Savings*

*Nathan Schultz* *Amazing Savings*  
*Robert C. Brown* *Home*

JUL 13 1992

OFFICE OF  
PLANNING & ZONING

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

JUNE 10, 1992

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-439-A  
LEGAL OWNER: PIKEVILLE PARTNERSHIP  
LOCATION: 1340- 1404 REISTERSTOWN ROAD

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

FRIDAY, JULY 24, 1992 at 9:00 a.m.

IN THE BALTIMORE COUNTY ROOM 106, COUNTY OFFICE BUILDING, 111 W ALLEGHENY AVENUE, TOWSON, MARYLAND 21204.

*Laurence E. Schmidt*  
Laurence E. Schmidt

ZONING COMMISSIONER  
BALTIMORE COUNTY

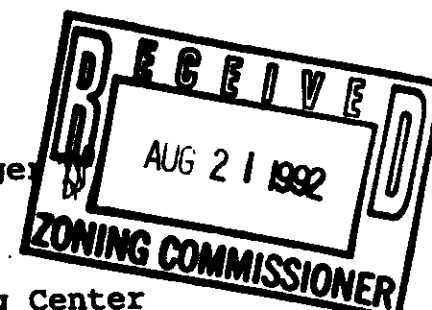
cc: Pikesville Partnership  
Anthony J. DiPaula, Esq.  
Mrs. Freeland  
Fields of Pikesville

Printed on Recycled Paper

BALTIMORE COUNTY  
DEPARTMENT OF ECONOMIC DEVELOPMENT

Memorandum

TO: Lawrence Schmidt, Zoning Commissioner  
FROM: Kimberlee S. Piper, Revitalization Manager  
DATE: August 21, 1992  
RE: Parking Variance for Pikesville Shopping Center  
(Julio - Case #92-439)



In conjunction with the Pikesville Master Plan, the Department of Economic Development has been working closely with the Pikesville Community to implement a variety of strategies designed to revitalize the traditional core of Pikesville. Recent major investments involve purchase of the Pikes Theater to be used as a Cultural Arts Center and the Streetscape now the area with new sidewalks, landscaping, furnishings, pocket parks, and an entry welcome marker. The Department of Economic Development is also involved in marketing to increase occupancies, increasing parking awareness, providing low-interest loans to new businesses, improving the road system, creating a development plan for the triangle area, and other projects assisting individual businesses with specific needs. This multitude of efforts is directed at improving opportunities for businesses in Revitalization Areas.

The concern for the economic health of Pikesville and its surrounding neighborhoods is paramount, but this often involves a delicate balance of business interests and practical considerations, as are evident with the Pikesville Shopping Center. This property is a focal point in the area and its appearance and vacancies have been a concern of many. It is our intention to help the owners and tenants in any way possible to improve on these conditions. Over the past few years we have worked with both owners and tenants to provide incentives and resolve issues. We are extremely pleased with the new tenants, the current substantial (and attractive) renovations, and the Julios' interest in blending their improvements with the streetscape. The Pikesville community is also delighted with these improvements.

However, parking is an issue in Pikesville and a serious problem has developed at the Pikesville Shopping Center site. The popularity of the new tenants (even before the center is full) has brought the lot to overflowing. I have made a point to visit the site at various times throughout the day, weekdays and weekends, and the lot is usually completely full, with additional cars circulating for openings. My office has also received calls from neighbors whose customers cannot find spaces on their own lots because of the overflow. Security guards are being hired and cars are being towed. Customers are also becoming frustrated trying to shop at the Julio property itself. A parking problem does exist.

Page Two  
Lawrence Schmidt, Zoning Commissioner

August 21, 1992

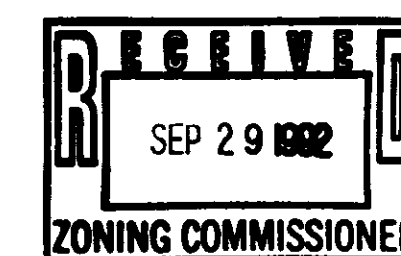
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KSP/vw

BALTIMORE COUNTY  
DEPARTMENT OF ECONOMIC DEVELOPMENT

Memorandum

TO: Lawrence Schmidt, Zoning Commissioner  
FROM: E. Neil Jacobs, Director  
Department of Economic Development  
DATE: September 28, 1992  
RE: Parking Variance for Pikesville Shopping Center  
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This change in our stance is with the understanding that the elevator and passageway will be installed directly after the granting of the variance (within 1-2 months), as it is needed now, and that the rear lot will be constructed as proposed during the hearings, to allow for maximum parking.

Thank you for your consideration of our comments. After your reading, please advise us of the outcome of this issue.

ENJ:bb

111 West Chesapeake Avenue  
Towson, MD 21204

PH7-3353

Provisional Approval  
Permit No: 6122544  
POULET, INC.  
LOCATION: 1340 REISTERSTOWN RD

DATE: 3/20/92

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- ☐ Owner has filed for a public hearing, Item # \_\_\_\_\_.
- ☒ Owner must file for a public hearing within \_\_\_\_\_ days before the Zoning Commissioner requesting relief from all conflicts with the Baltimore County Zoning Regulations.
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The owner/contract purchaser may proceed at his own risk with the construction indicated in the above-referenced permit.

However, in the event that all of the above conditions are not completed as stipulated, and/or the petition for relief has been denied, dismissed or withdrawn, this provisional approval is rescinded forthwith.

Immediately thereafter the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

*Call Jacobs* Director  
Zoning Administration & Development Management

I have read the above statement and I agree to abide by the decision of the Zoning Commissioner in this matter. I also hereby certify that I the undersigned am in fact the owner and if applicable the contract purchaser and not just an agent.

Signed *Julio*  
Owner  
(Please print clearly)  
Name *Ted Julio*  
Address *10 Pikesville Avenue*  
City *Baltimore, MD 21204*  
Work Phone *837-1300*  
Home Phone *837-1300*

Signed *Jonathan Soudrey*  
Contractor/Developer/Tenant  
(Please print clearly)  
Name *Jonathan Soudrey*  
Address *9000 N. ...*  
City *Baltimore, MD 21204*  
Work Phone *837-6600*  
Home Phone *837-6600*



APPLICATION FOR PERMIT  
BALTIMORE COUNTY MARYLAND  
OFFICE OF THE BUILDING ENGINEER  
TOWSON, MARYLAND 21204

PERMIT # 22254  
RECEIPT # 22254  
CONTROL # 22254

PROPERTY ADDRESS 1342 Reisterstown Rd YES ☐ NO ☐  
SUBDIV: 1342 Reisterstown Rd DISTRICT/PRECINCT 03  
OWNER'S INFORMATION (LAST, FIRST, MIDDLE)  
NAME: James H. Decker  
ADDRESS: 10 Pikesville Shopping Center, Pikesville, Md 21080  
APPLICANT INFORMATION  
NAME: James H. Decker  
COMPANY: Decker & Sons  
ADDRESS: 10 Pikesville Shopping Center, Pikesville, Md 21080  
PHONE: 832-6600 MHC LICENSE #:  
APPLICANT SIGNATURE: James H. Decker TRACT: BLOCK: EL: 1 PL 1  
PLANS: CONST: PLOT: PLAT: DATA: EL: 1 PL 1  
TENANT: Kenpo Karate Corp  
CONTR: 1342 Reisterstown Rd  
ENGR: 1342 Reisterstown Rd  
SELLER:

DESCRIBE PROPOSED WORK: Interior alteration to include floor del, partitions, HVAC, counters, paint, finish decorative beams 3,200  
NAIVE COST PLANS A/B  
DANS 22254 (22254)

TYPE OF USE  
RESIDENTIAL  
01. ONE FAMILY  
02. TWO FAMILY  
03. THREE AND FOUR FAMILY  
04. FIVE OR MORE FAMILY  
05. SWIMMING POOL  
06. GARAGE  
07. OTHER  
08. AMUSEMENT  
09. CHURCH  
10. PENCE (LENGTH HEIGHT)  
11. INDUSTRIAL, STORAGE BUILDING  
12. PARKING GARAGE  
13. SERVICE STATION, REPAIR GARAGE  
14. HOSPITAL, INSTITUTIONAL, NURSING HOME  
15. OFFICE, BANK, PROFESSIONAL  
16. PUBLIC UTILITY  
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL  
18. SIGN  
19. STORE  
20. SWIMMING POOL  
21. TANK, TOWER  
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)  
23. OTHER  
TYPE OF CONSTRUCTION  
1. MASONRY  
2. WOOD FRAME  
3. STRUCTURE STEEL  
4. REINFC. CONCRETE  
TYPE OF HEATING FUEL  
1. GAS  
2. OIL  
3. ELECTRICITY  
4. COAL  
TYPE OF SEWAGE DISPOSAL  
1. PUBLIC SEWER  
2. PRIVATE SEWER  
3. SEPTIC  
4. PRIVY  
CENTRAL AIR: 1. PUBLIC SYSTEM  
2. PRIVATE SYSTEM  
ESTIMATED COST: 22254  
PROPOSED USE: Shopping Center  
EXISTING USE: Shopping Center  
OWNERSHIP  
1. PRIVATELY OWNED  
2. PUBLICLY OWNED  
3. SALE  
4. RENTAL  
RESIDENTIAL CATEGORY: 1. DETACHED  
2. SEMI-DET  
3. GROUP  
4. TOWNHOUSE  
5. MIDRISE  
6. HIGHRISE  
1. FAMILY BEDROOMS  
2. BATHROOMS  
3. KITCHENS  
4. LIBR.  
5. FOLIO  
6. OTHER  
BUILDING SIZE  
FLOOR 3200  
WIDTH 197'36" x 145'7"  
DEPTH 197'36" x 145'7"  
HEIGHT 102'00"  
STORIES 102'00"  
LOT # 102'00"  
CORNER LOT 102'00"  
1. Y 2. N ZONING PL-1  
MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED  
APPROVAL SIGNATURES DATE  
BUILDING INSPECTION  
FLOOR PLAN 1342 Reisterstown Rd  
SEAL 1342 Reisterstown Rd  
ZONING 102'00"  
SUBSERV 102'00"  
ENVIRONMENT 102'00"  
PERMITS

## Pikesville, Maryland Revitalization Plan

Prepared for  
Baltimore County, Maryland

HAMMER · SILVER · GEORGE · ASSOCIATES

ECONOMIC AND DEVELOPMENT CONSULTANTS

### The Pikesville Shopping Center Parking Tabulation 1982

TENANT	LOWER LEVEL BASEMENT	SQUARE FEET	USE	REQUIREMENT	SPACES
1	Well Electric	2,080	Office	1SP/300SF	8.93
2	Cimino's Barber Shop	640	Service	1SP/300SF	2.13
3	University Plaza	645	Retail	1SP/200SF	3.23
4	Jay's Apparel	3,800	Storage	None	0.00
5	Jay's Apparel	5,160	Storage	None	0.00
6	The Player's Club	4,300	Service	1SP/300SF	14.33
7	The Pikesville Eatery	11,702	Restaurant	1SP/50SF	234.04
8	Storage & The Men's Shop	7,935	Storage	None	0.00
		3,250	Office	1SP/300SF	10.83
FIRST FLOOR					
9	Jay's Apparel	12,400	Retail	1SP/200SF	62.00
10	The We Fit Corset Shop	4,800	Retail	1SP/200SF	24.00
11	The Pikesville Eatery	4,000	Restaurant	1SP/50SF	80.00
12	Show Off	6,000	Retail	1SP/200SF	30.00
13	The Paper Shop	1,485	Retail	1SP/200SF	7.42
14	One Hour Cleaners	2,300	Service	1SP/300SF	7.67
15	Van Style	750	Service	1SP/300SF	2.50
16	Peretz Galleries	800	Retail	1SP/200SF	3.00
17	Shoemarket	2,700	Retail	1SP/200SF	13.50
18	Howard Luggage	2,300	Retail	1SP/200SF	11.50
19	The Men's Shop	3,250	Retail	1SP/200SF	16.25
SECOND FLOOR					
20	Vacant	4,000	N/A	None	0.00
21	Fotomat	N/A	Retail	2SP	2.00
TOTAL PARKING REQUIRED					531.33
TOTAL PARKING PROVIDED					217.00
DEFICIENCY					314.33

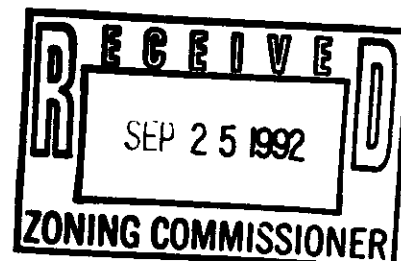
### The Pikesville Shopping Center Parking Tabulation 1992

TENANT	LOWER LEVEL BASEMENT	SQUARE FEET	USE	REQUIREMENT	SPACES
1	Vacant	2,080	Retail	1SP/200SF	10.40
2	Cimino's Barber Shop	640	Service	1SP/300SF	2.13
3	University Plaza	645	Retail	1SP/200SF	3.23
4	Vacant	3,800	Service	1SP/300SF	12.00
5	Vacant	5,160	Retail	1SP/200SF	25.80
6	The Player's Club	4,300	Service	1SP/300SF	14.33
7	Vacant	11,702	Retail	1SP/200SF	58.51
8	Storage	11,185	Storage	None	0.00
FIRST FLOOR					
9	Rite Aid/Vacant	12,400	Retail	1SP/200SF	62.00
10	Shoemarket	4,800	Retail	1SP/200SF	24.00
11	Vacant	4,000	Retail	1SP/200SF	20.00
12	Amazing Savings	6,000	Retail	1SP/200SF	30.00
13	Fame School of Nail Design	1,485	Service	1SP/300SF	4.95
14	One Hour Cleaners	2,300	Service	1SP/300SF	7.67
15	Wally's Dance Studio	750	Service	1SP/300SF	2.50
16	Pikesville Jewelry & Coin Exchange	800	Retail	1SP/200SF	3.00
17	Shoemarket	2,700	Retail	1SP/200SF	13.50
18	Howard Luggage	2,300	Retail	1SP/200SF	11.50
19	Jonathan Poulet Rotisserie	3,250	Restaurant	1SP/50SF	65.00
SECOND FLOOR					
20	Kenpo Karate Corp	4,000	Service	1SP/300SF	13.33
TOTAL PARKING REQUIRED					384.00
TOTAL PARKING PROVIDED					217.00
DEFICIENCY					167.00

#### PETITION IN SUPPORT OF HILL MANAGEMENT'S REQUEST FOR PARKING VARIANCE

The tenants of Pikesville Shopping Center hereby support the granting of the parking variance requested by Hill Management, our landlord at PSC, and in support thereof state the following:

1. The rejuvenation of PSC is crucial to the rejuvenation of Pikesville's Commercial District. PSC stands at the middle of the Commercial District and, as a result, the success of the tenants at PSC will greatly foster the rejuvenation of the Commercial District.
2. Pikesville is now a Town Center whose business occupants constitute a closely intertwined group. They have symbiotic relationships that are evidenced by cooperative parking. For instance, customers park at Club Center, behind Field's, and at the Revenue Authority's location off Walker Avenue and Reisterstown Road and walk up and across Reisterstown Road. Pedestrian traffic is clearly evident on both sides of Reisterstown Road.
3. Most of the opposition to Hill's requested variance has been generated by the owners of Field's Pharmacy who appear to be under the mistaken belief that Rite Aid can be prevented from becoming a tenant at PSC if the requested variance is denied. In fact, Hill Management already has enough parking spaces to permit the Rite Aid tenancy.



#### COVAHEY & BOOZER, P.A.

EDWARD C. COVAHEY, JR.  
F. VERNON BOOZER  
MARK S. DEVAN  
ANTHONY J. DIPAUULA  
THOMAS P. DORE

ANNEX OFFICE  
SUITE 101  
808 BALTIMORE AVE.  
TOWSON, MD. 21204

May 28, 1992

Arnold Jablon, Director  
Zoning Administration and  
Development Management  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: CASE NO.: 92-439-A  
VARIANCE PETITION OF PIKESVILLE SHOPPING CENTER,  
1340 TO 14404 REISTERSTOWN ROAD

Dear Mr. Jablon:

This will acknowledge receipt of a notice of hearing in the above scheduling same for Tuesday, June 23, 1992 at 9:30 a.m. Unfortunately, the undersigned is scheduled to act as Court Appointed Trustee on approximately 25 foreclosure sale cases in Anne Arundel County, Baltimore City, Baltimore County, and Harford County that date, which sales have already been advertised in accordance with the Maryland Rules of Procedure. It is therefore respectfully requested that this hearing be rescheduled.

In addition, I am advised that the principal of the Petitioner is scheduled to be away from July 29 through August 10. If the undersigned could be consulted in the selection of a new date, it would certainly be appreciated.

Very truly yours,

Anthony J. DiPaulla

AJD/ds  
5 ds.104

cc: Pikesville Partnership  
James Matis



#### COVAHEY & BOOZER, P.A.

EDWARD C. COVAHEY, JR.  
F. VERNON BOOZER  
MARK S. DEVAN  
ANTHONY J. DIPAUULA  
THOMAS P. DORE

ANNEX OFFICE  
SUITE 101  
808 BALTIMORE AVE.  
TOWSON, MD. 21204

November 18, 1992

#### HAND DELIVERED

Lawrence E. Schmidt  
Zoning Commissioner  
Suite 113, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204

RE: 1340-1404 REISTERSTOWN ROAD  
PIKESVILLE SHOPPING CENTER  
PIKESVILLE PARTNERSHIP, PETITIONER

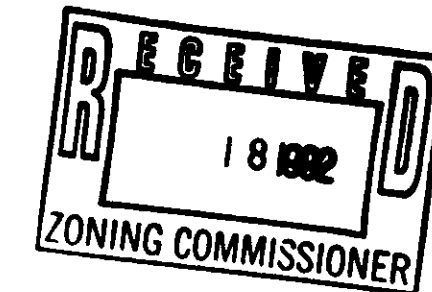
Dear Mr. Schmidt:

Thank you for the Findings of Fact and Conclusions of Law recently entered in the above matter. It obviously took a lot of time balancing the interests of the various parties involved.

There is, however, one serious problem caused by your decision, and notwithstanding the fact that the Petitioner would prefer not to have to file an appeal, one of the restrictions which constitutes a condition precedent to the grant of the variance creates an irreconcilable situation.

I am advised by the Petitioner that several weeks ago, a lease agreement was executed between the United States Postal Service and the Pikesville Partnership. Restriction No. 3 of your Order prohibits the "entering into any lease agreement". Since it was a fait accompli before the entry of your Order and its receipt by the Petitioner, it is a condition that cannot be met. There is also the question of the language on Page 10 of the Opinion which relates to the United States Post Office and which states, "this will not require the Petitioner to break any leases...", the exact import of which is unclear.

If necessary, we could file a formal motion for reconsideration, however it would be in everyone's best interest if the matter could be addressed informally and hopefully resolved.



#### COVAHEY & BOOZER, P.A.

EDWARD C. COVAHEY, JR.  
F. VERNON BOOZER  
MARK S. DEVAN  
ANTHONY J. DIPAUULA  
THOMAS P. DORE

ANNEX OFFICE  
SUITE 101  
808 BALTIMORE AVE.  
TOWSON, MD. 21204

December 4, 1992

#### HAND DELIVERED

Lawrence E. Schmidt  
Zoning Commissioner  
Suite 113, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204

RE: 1340-1404 REISTERSTOWN ROAD  
PIKESVILLE SHOPPING CENTER  
PIKESVILLE PARTNERSHIP, PETITIONER  
CASE NO.: 92-439-A

Dear Mr. Schmidt:

I finally had the opportunity to discuss this matter with Nancy Paige and I believe I am accurately reflecting the sum and substance of our discussions by stating that while she believed her clients were willing to discuss a compromise premised upon the imposition of certain additional restrictions which were not part of your original Order, she would be vehemently opposed to a modification of the restriction in your Order with respect to a lease with the United States Postal Service. My earlier letter of November 18, 1992 essentially sought clarification of certain language in your Findings of Fact, (i.e., Page 10), and some guidance as to the existing state of affairs, namely an executed lease dated October 2, 1992 and your subsequent Order prohibiting same. It is my understanding from you that a representative of the United States Post Office has also undertaken to contact you directly in this matter.

Your initial inquiry to me in response to my letter was whether the Protestants were going to file an appeal, in which event any further action toward addressing the problem would be a waste of time. My impression from Ms. Paige is that the Protestants are not inclined to appeal the Order as it presently stands. That still leaves the Petitioner in an untenable position.

**COVAHEY & BOOZER, P. A.**

ATTORNEYS AT LAW  
614 BOSLEY AVENUE  
TOWSON, MARYLAND 21204  
AREA CODE 410  
828-9441

EDWARD C. COVAHEY, JR.  
F. VERNON BOOZER  
MARK S. DEVAN  
ANTHONY J. DIPAULA  
THOMAS P. DORE

FAX 410-823-7530

ANNEX OFFICE  
SUITE 101  
608 BALTIMORE AVE.  
TOWSON, MD. 21204

December 7, 1992

**HAND DELIVERED**

Office of Zoning  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: CASE NO.: 92-439-A  
PIKESVILLE PARTNERSHIP, PETITIONER  
1340-1404 REISTERSTOWN ROAD  
PIKESVILLE SHOPPING CENTER

Gentlemen:

On behalf of the above-named Petitioner, please enter an appeal to the County Board of Appeals from the Order dated November 6, 1992 to the extent it prohibits the United States Post Office from becoming a tenant at the subject property. Enclosed is the appeal fee of \$175.00.

Very truly yours,

Anthony J. DiPaula

AJD/ds  
12 ds.17  
enclosure

cc: Nancy Paige, Esquire



**ZONING OFFICE**

**COVAHEY & BOOZER, P. A.**

ATTORNEYS AT LAW  
614 BOSLEY AVENUE  
TOWSON, MARYLAND 21204  
AREA CODE 410  
828-9441

EDWARD C. COVAHEY, JR.  
F. VERNON BOOZER  
MARK S. DEVAN  
ANTHONY J. DIPAULA  
THOMAS P. DORE  
ROGER J. SULLIVAN

FAX 410-823-7530

ANNEX OFFICE  
SUITE 101  
608 BALTIMORE AVE.  
TOWSON, MD. 21204

March 17, 1993

County Board of Appeals  
of Baltimore County  
Old Courthouse, Room 49  
400 Washington Avenue  
Towson, Maryland 21204

RE: CASE NO.: 92-439-A  
PIKESVILLE PARTNERSHIP  
W/S REISTERSTOWN ROAD, 35' W  
C/L REISTERSTOWN ROAD AND MCHENRY AVENUE  
1340 - 1404 REISTERSTOWN ROAD  
(PIKESVILLE SHOPPING CENTER)  
3RD ELECTION DISTRICT  
2ND COUNCILMANIC DISTRICT  
HEARING DATE: WEDNESDAY, JUNE 9, 1993 AT 10:00 A.M.

Dear Board:

On behalf of the Petitioner in the above referenced, please dismiss the Appeal filed on December 7, 1992 from the Order granting the parking variance with certain restrictions, thereby allowing the original Order of November 6, 1992 to remain in place. This dismissal of the Appeal is at the request of the Petitioner/Appellant.

Thank you for your attention to this matter.

Very truly yours,

Anthony J. DiPaula

AJD/ds  
3 ds.86

cc: Pikesville Partnership  
James E. Matis  
Gabriel W. Rosenbush, Jr.  
Nancy Paige, Esquire  
People's Counsel for Baltimore County

**COVAHEY & BOOZER, P. A.**

ATTORNEYS AT LAW  
614 BOSLEY AVENUE  
TOWSON, MARYLAND 21204  
AREA CODE 410  
828-9441

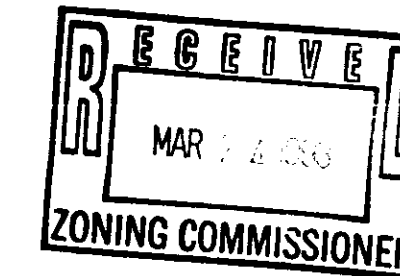
EDWARD C. COVAHEY, JR.  
F. VERNON BOOZER  
MARK S. DEVAN  
ANTHONY J. DIPAULA  
THOMAS P. DORE  
ROGER J. SULLIVAN

FAX 410-823-7530

ANNEX OFFICE  
SUITE 101  
608 BALTIMORE AVE.  
TOWSON, MD. 21204

March 23, 1993

Lawrence E. Schmidt  
Zoning Commissioner  
for Baltimore County  
Suite 113, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204



RE: CASE NO.: 92-439-A  
PETITION FOR ZONING VARIANCE  
1340-1404 REISTERSTOWN ROAD  
PIKESVILLE SHOPPING CENTER  
PIKESVILLE PARTNERSHIP

Dear Mr. Schmidt:

You may recall that on November 6, 1992, you granted a parking variance in the above case, subject to ten (10) specifically enumerated conditions. Some of the conditions involved the installation of certain improvements to the shopping center including but not limited to paving and striping of the parking lot, installation of better lighting on the rear parking lot, and most importantly, the Petitioner was to install an elevator in the rear of the shopping center. Pursuant to Restriction No. 9, these various improvements "shall be completed within six months from the date hereof", the date of your Order being November 6, 1992.

As you are also undoubtedly aware, one of the other restrictions relating to a lease with the United States Postal Service resulted in the filing of a separate case (Case No. 93-209-SPH) wherein a special hearing was held to remove that restriction relating to the Postal Service lease. The restriction was in fact removed by Order dated February 12, 1993 issued by Deputy Commissioner Timothy Kotroco. I have just learned that for reasons of prudence, the Petitioner moved very cautiously with respect to the improvements required by your earlier Order until the Postal Service issue was resolved. As a matter of fact, until recently, your decision was the subject of an appeal to the Board of Appeals which was scheduled to be heard on June 9, 1993 but has since been



July 28, 1992

Mr. Lawrence C. Schmidt  
Zoning Commissioner  
Baltimore County, Maryland  
111 West Chesapeake Avenue  
Towson, MD 21204

RE: Case No. 92-439A  
Owner: Pikesville Partnership  
Location: 1340 - 1404 Reisterstown Road  
Pikesville Shopping Center

Dear Sir:

The Pikesville Chamber of Commerce through their zoning committee has carefully reviewed the request for a parking variance of 163 spaces submitted by the owner of the above-referenced property.

The Chamber of Commerce is highly cognizant of the need to fill vacant retail space in the business community, and particularly the property in question; however, the Chamber must carefully weigh the needs of the applicant against the rights and concerns of neighborhood businesses that will suffer as a result of a poor decision.

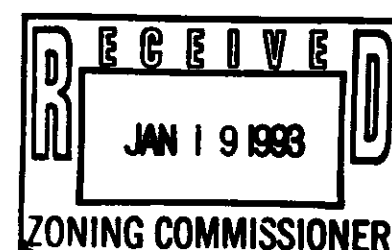
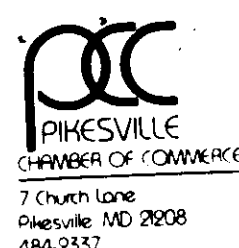
The Chamber of Commerce conducted its own study of the present parking situation on the applicant's property. Our study was done on a business day - not a Saturday or Sunday. We found the front lot of the property full with several cars circling for spaces to park. The rear lot had many spaces available. This pattern was observed on several occasions. Because of the inaccessibility of the rear lot and the difficult walk necessary to the front, there remains an underutilization of the rear lot.

The property owner presently leases ten spaces on the rear to a bank for employees parking. The owner also allows use by the Maryland State Police for full-day parking on the rear lot.

The discontinued use by the bank and the State Police will create the need for other parking spaces in the business district.

The parking study submitted to the Chamber by the owners, prepared by Lee Cunningham & Associates, Inc., was done on a Saturday, therefore, it does not reflect the situation on a normal business day (Monday through Friday). Many of the businesses located in Club Center are closed on Saturday. We find this study to be invalid for the purpose stated in the report.

The Chamber of Commerce reviewed the petition of various tenants presently leasing in the captioned property and support their concerns that present parking is not adequate for the space now leased. The requested variance would substantially add to the already now parking shortage.



January 17, 1993

Mr. Lawrence E. Schmidt  
Zoning Commissioner  
Suite 113, Courthouse  
400 Washington Ave.  
Towson, Md. 21204

Re: Case: 92- 439 A  
Pikesville Partnership

Dear Mr. Schmidt:

This is to advise that the Zoning Committee of the Pikesville Chamber of Commerce has met and has been in communication with Ted Julio of the Pikesville Partnership, owners of the Pikesville Shopping Center.

We have received a copy of the plat of this shopping center which was revised on January 14, 1993.

Our position on this matter was affirmed in our letter to your office dated July 28, 1992. At this time we still hold to the various covenants outlined in that letter, a copy of which is attached.

However, we accept the new parking calculations as amended on January 14, 1993. Further, it has been agreed to by Mr. Ted Julio and our committee that all space currently defined on the plat as storage shall forever remain in that category. In the event that additional parking for this center is created then, said storage area could be converted to any use which would be allowed and meet the applicable zoning and parking regulations.

It is requested that this additional covenant be included in your zoning order. In that event the Pikesville Chamber of Commerce would support the position of the petitioner.

Very truly yours,

Gabriel W. Rosenbush Jr.  
Chairman of Zoning  
Committee

gwr/asf  
cc: Ted Julio  
Sid Friedman, Pres. PCC

THE LAW OFFICES OF  
GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER  
THE GARRETT BUILDING  
233 E. REDWOOD STREET  
BALTIMORE, MD. 21202-3332  
301-576-4000  
Telex 908041 BAL  
Fax 301-576-4246

NANCY E. PAIGE  
301-576-4294

June 12, 1992

Arnold Jablon, Director  
Zoning Administration and  
Development Management  
County Office Building, Room 109  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case No. 92-439-A

Dear Mr. Jablon:

I have been retained to represent Fields Pharmacy which will appear as a protestant in the referenced variance case. This case was initially scheduled for June 23, 1992 and has recently been postponed to July 24, 1992. I will be out of the country from July 23 through August 3, and, therefore, would request that it be rescheduled. I would be happy to agree to an earlier date in June or July if one were available or a date in August or thereafter.

Thank you for your consideration.

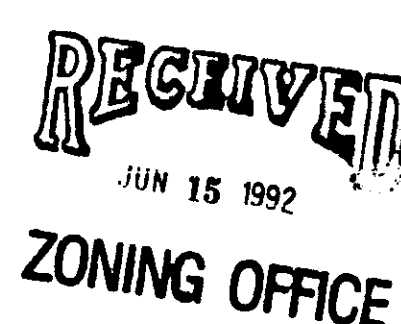
Very truly yours,

Nancy E. Paige

NEP/tmc

cc: Mr. Jeffrey Levin  
Fields Pharmacy

jablon.ltr



RONALD L. MAHER  
J. CARROLL HOLZER  
CARLOS DEMILIO  
THOMAS J. LEE

LAW OFFICES  
HOLZER, MAHER, DEMILIO & LEE  
305 W. CHESAPEAKE AVENUE  
SUITE 101  
TOWSON, MARYLAND 21204  
(410) 823-6960  
FAX (410) 823-6964

CARROLL COUNTY OFFICE  
1315 LIBERTY ROAD  
ELDERSBURG, MARYLAND 21774  
(410) 799-8556  
FAX (410) 799-5535

SUITE 700  
1725 DOWLES STREET, N.W.  
WASHINGTON, D.C. 20036

February 12, 1993  
#6650

Mr. Timothy Kotroco  
Deputy Zoning Commissioner  
for Baltimore County  
Old Courthouse  
Towson, Maryland 21204

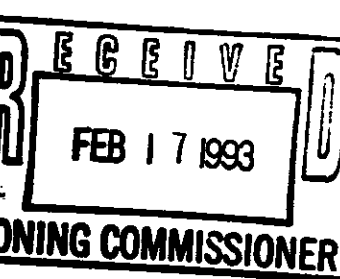
RE: Case No.: 92-454-XA

Dear Mr. Kotroco:

I received your Order dated February 5, 1993 reinstating the above captioned case. I would appreciate being notified well in advance of any hearing date as to the final recommendations and opinion of DEPRM as it relates to this issue since that is the report that we were waiting on in the first place prior to your Dismissal on December 3, 1992 of this matter.

After we have received the DEPRM report, I would appreciate being contacted before this matter is set in for a hearing in view of my calendar.

Thank you.



Very truly yours,  
J. Carroll Holzer

JCH:mlg

Enclosure

cc: Norman R. Stone, Esquire  
Mr. & Mrs. Joseph Sullivan

**DOVER ELEVATORS**  
DOVER ELEVATOR COMPANY  
6114 Hammond Ferry Rd.  
Linthicum, MD 21090-1310  
(410) 788-8780  
FAX: (410) 788-1518

March 15, 1993

SENT VIA FAX 410-561-8100

Hill Management Co.  
Attn: Mr. Anthony Julio  
9640 Deereco Rd.  
Timonium, MD 21093

Re: Pikesville Shopping Center

Dear Mr. Julio:

Dover Elevator will be furnishing and installing the elevator for the above project. Currently we are expecting the submittals to arrive within the next week or so. Upon your approval of the submittals we will release the elevator into fabrication. The lead time will be approximately eighteen weeks from that point consisting of fourteen weeks fabrication and four weeks field installation. I apologize for any delays we may have caused, we thank you for your patronage and look forward to working with you.

If you have any questions or if I or the Dover team can be of assistance in the future please call THANKS.

Sincerely,  
DOVER ELEVATOR COMPANY

Matt Morgan  
Sales Representative

RMM/

Dover Elevators / Dover Maintenance  
An Equal Opportunity Employer

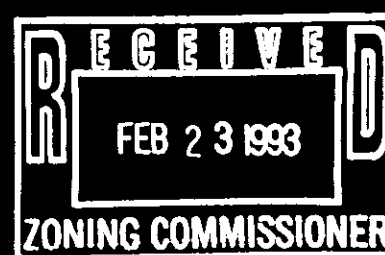




**JOSEPH ALBERT MAJORIQUE LETTRE**  
Colonel, Army of the United States, Retired

BRIGADIER GENERAL, MARYLAND DEFENSE FORCE, RETIRED  
206 Slade Avenue, Pikesville, Maryland 21208-4922  
20 February 1993

Timothy M. Kotroco  
Deputy Zoning Commissioner for  
Baltimore County  
Suite 115 Courthouse  
Towson, MD 21204



Dear Commissioner Kotroco:

Reference is made to your letter to Mr. M. E. Marino, ESQ., dated 29 December 1992 (Case No. 93-154-A), and to the attached five page Finding of Facts and Conclusions of Law signed by you on the same date.

The order concludes with four restrictions and the fourth of these, found on page five just above your signature, concludes that a copy of the Order shall be recorded in the Land Records of Baltimore County. In conclusion, it states: "A copy of the recorded Order shall be forwarded to this office for inclusion in the case file."

Both the Ralston Community Association and I are anxious to have written confirmation that this restriction has been carried out as you directed in your Order. We too wish to include such confirming information in our case file. Please reply to this letter to let us know that the action has been accomplished and that the Land Records and Zoning Records so indicate.

You can be certain that we are sorry that we were unable to send a representative to the hearing on Tuesday, 15 December 1992.

Very truly yours,

*J. Herbert M. Lettre*

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Graham W. Rosenbush Jr	P.O. Box 32122, Drexel Hill PA 21208
Samuel G. Green	222 Rocky Ave G-6, Towson 21204
Stephen Zimmerman	1314 Reisterstown Rd 21208
Madeline Yon	1352 Reisterstown Rd 21208
Rumsey Thomas	1848 Reisterstown Rd 21208
JEFFREY LEVIN	1401 REISTERSTOWN RD 21208
Nancy Paige - Atty	233 E Redwood St - 1202

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
JAMES E. MATIS	411 DUNKIRK ROAD 21212
Anthony J. Wilkins Esq. (adv)	614 Chesapeake Ave 21201
Peter J. Connor	3 Aldenagate, Court 21133
Nickie Davis	8550 Drexel Rd 21093
Ted Julio	9410 Drexel Rd 21093

00

Rumsey Thomas - Interested party for D.H.L. Files

3258-S (Food Pmt)



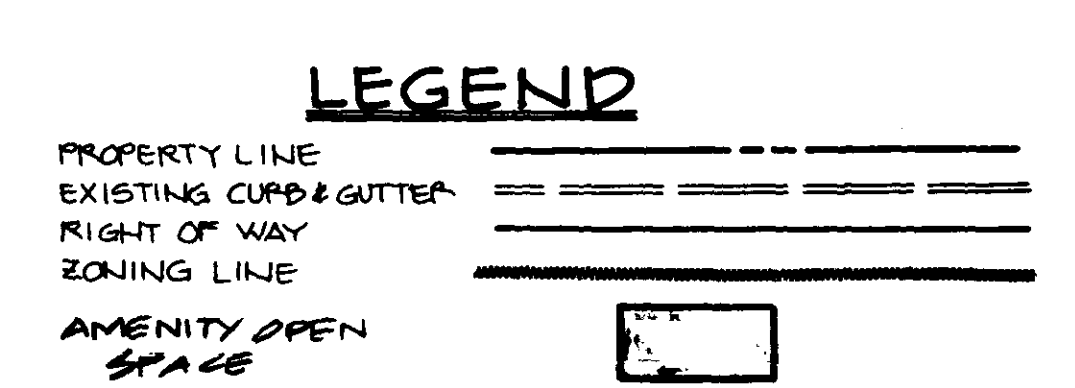
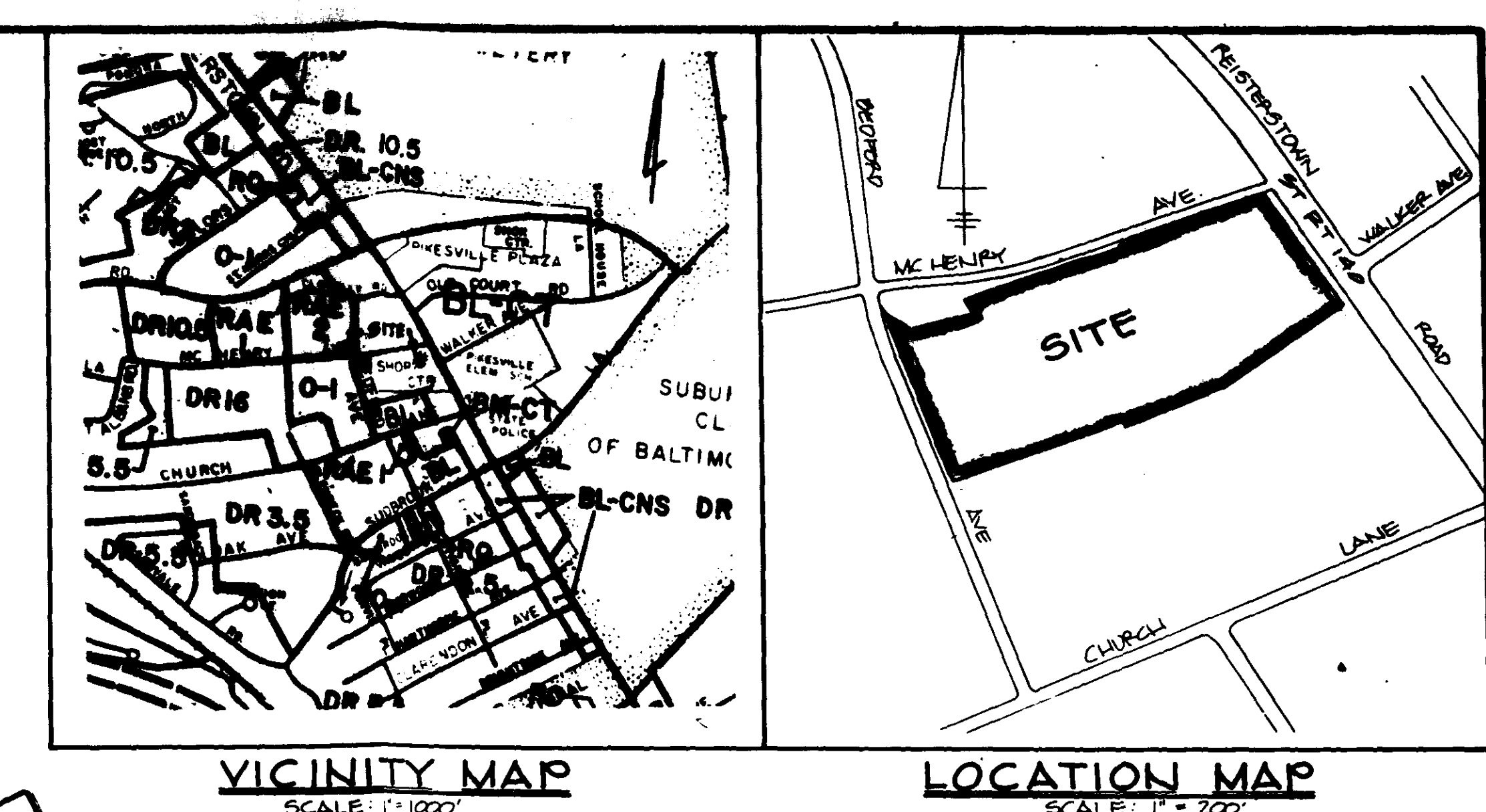
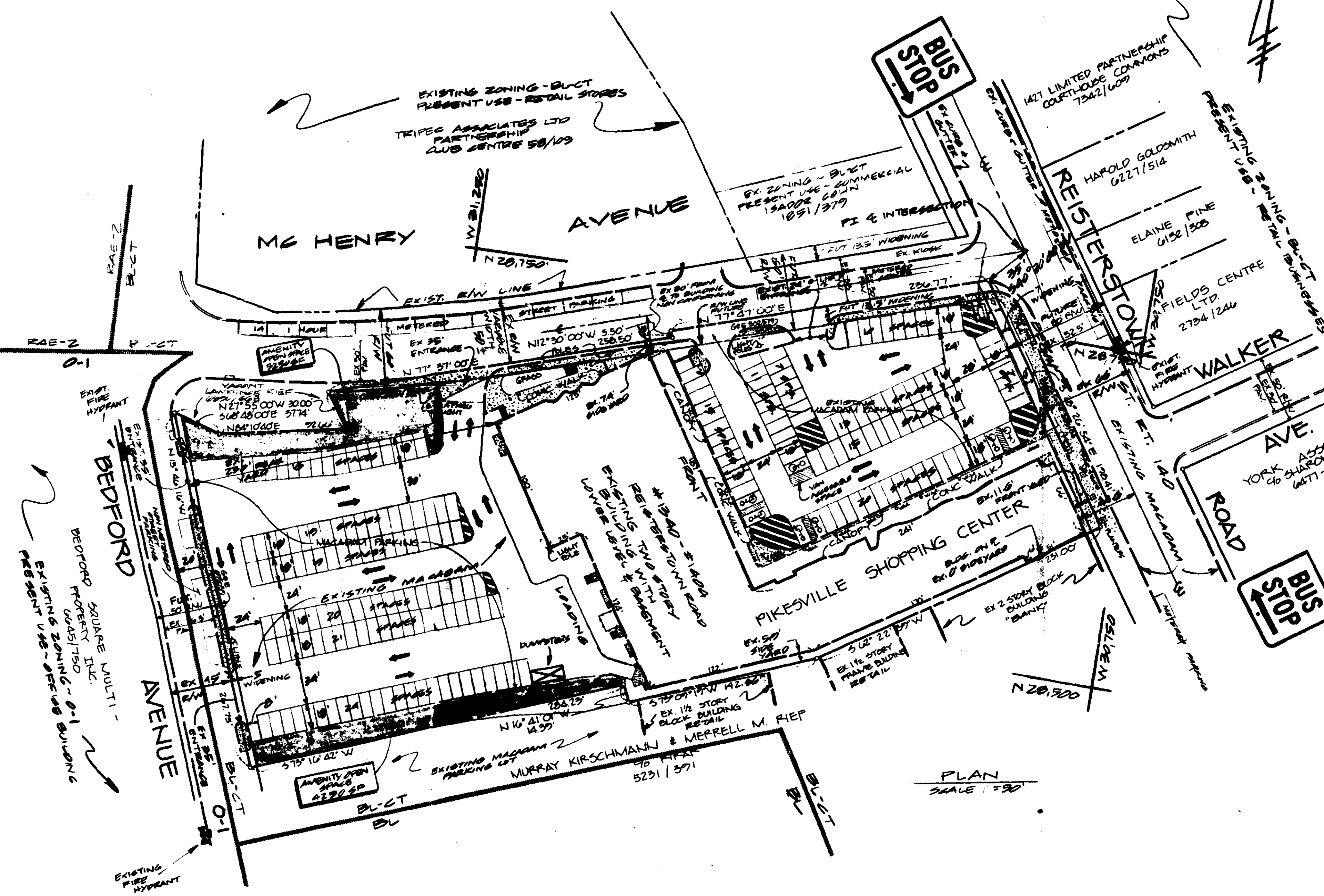
FRONT  
15  
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4/1/92

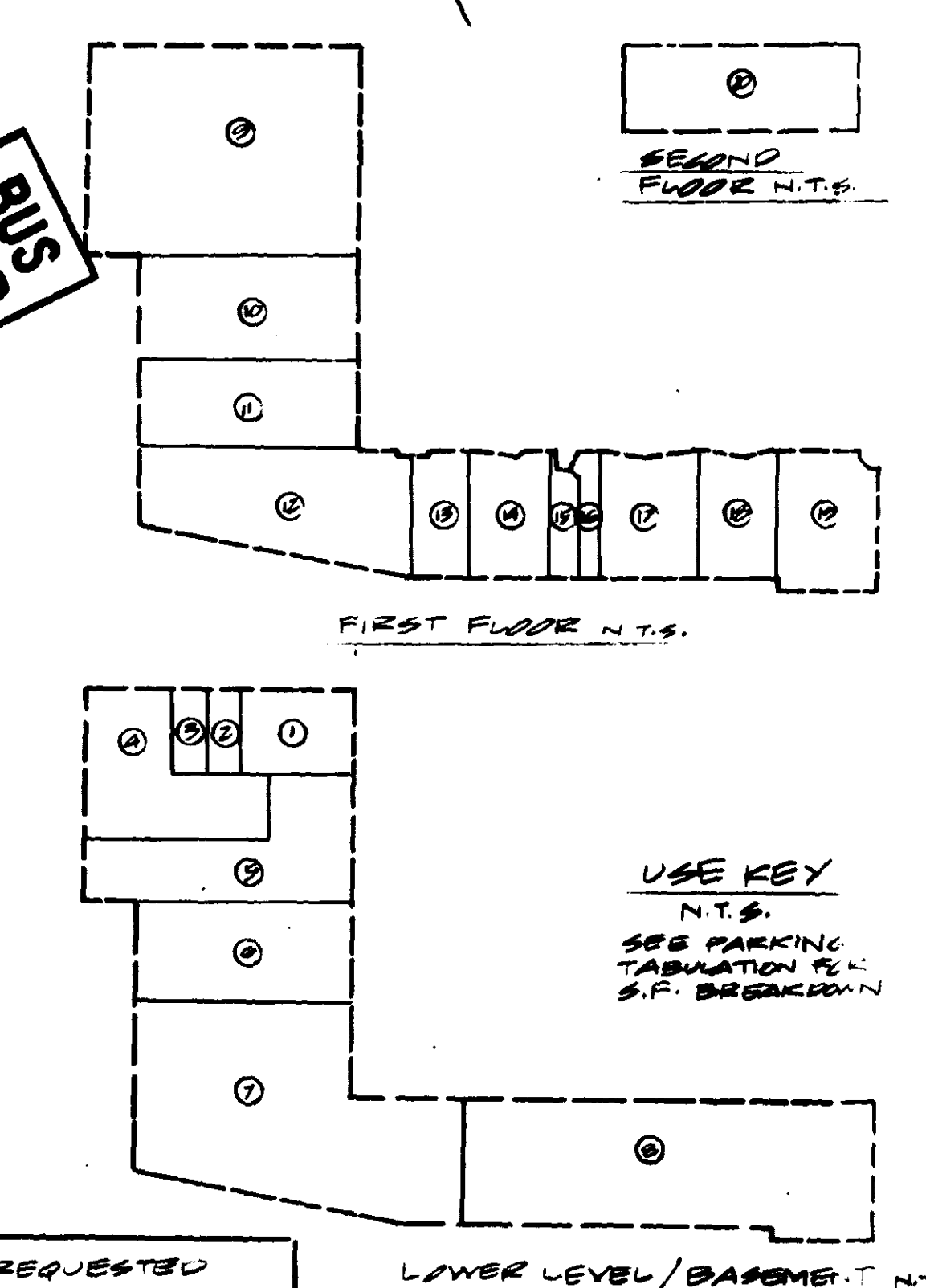




**SITE DATA**

EXISTING ZONING: BL-CT  
 EXISTING USE: RETAIL CENTER - 2 STORY WITH LOWER LEVEL AND BASEMENT  
 PROPOSED USE: RETAIL CENTER - 2 STORY WITH LOWER LEVEL AND BASEMENT  
 GROSS AREA: 4.17 ACRES  
 NET AREA: 3.498 ACRES  
 NET AREA MINUS ROAD WIDENING: 3.323 ACRES  
 FLOOR AREA RATIO MAXIMUM: 5.5  
 FLOOR AREA RATIO EXISTING: 83,097 SF/181,845 SF = 0.46  
 AMENITY OPEN SPACE RATIO REQUIRED: 0.10  
 AMENITY OPEN SPACE RATIO EXISTING: 9,500 SF/83,097 SF = 0.114  
 DEED REFERENCE: 6888/087  
 TAX ACCOUNT NUMBER: 0308001700  
 COUNCILMANIC DISTRICT NUMBER: 2ND  
 BUILDING HEIGHT: 35' AVERAGE  
 PREVIOUS COMMERCIAL PERMITS: B075004 C-1928-90  
 EXISTING SIGNAGE: IN ACCORDANCE WITH SECTION 413 AND ALL ZONING POLICIES  
 PROPOSED SIGNAGE: NONE PROPOSED AT THIS TIME, HOWEVER ANY FUTURE SIGNAGE SHALL COMPLY WITH SECTION 413 AND ALL ZONING SIGN POLICIES  
 PREVIOUS HEARINGS: NONE  
 C.R.G.: SITE WAS CONSTRUCTED IN 1950'S PRIOR TO CURRENT DEVELOPMENT  
 REGULATIONS:  
 PUBLIC WATER AND SEWER EXIST  
 STORM WATER MANAGEMENT: NOT REQUIRED

PAVING SHALL BE DURABLE AND DUST FREE AND ALL PARKING SPACES SHALL BE PERMANENTLY STRIPED



**PARKING TABULATION** BASED ON REGULATIONS IN EFFECT AT TIME OF ORIGINAL APPROVAL

TENANT	SQUARE FEET	USE	REQUIREMENT	SPACES
<b>LOWER LEVEL BASEMENT</b>				
1 Vacant	2,000	RETAIL	187200SF	10.40
2 Clinton's Barber Shop	640	SERVICE	187200SF	2.13
3 University Plaza	845	RETAIL	187200SF	3.23
4 Vacant	3,800	SERVICE	187200SF	12.00
5 Vacant	5,180	RETAIL	187200SF	25.00
6 The Player's Club	4,300	SERVICE	187200SF	14.38
7 Vacant	11,702	RETAIL	187200SF	56.51
8 Storage	11,185	STORAGE	NONE	0.00
<b>FIRST FLOOR</b>				
9 Rite Aid/Vacant	12,400	RETAIL	187200SF	65.00
10 Shoeboxes	4,600	RETAIL	187200SF	24.00
11 Vacant	4,600	RETAIL	187200SF	24.00
12 Amazing Savings	6,000	RETAIL	187200SF	30.00
13 Fama School of Hair Design	1,400	SERVICE	187200SF	4.25
14 One Hour Cleaners	2,200	SERVICE	187200SF	7.57
15 Wally's Dance Studio	700	SERVICE	187200SF	2.50
16 Pikeville Jewelry & Coin Exchange	600	RETAIL	187200SF	2.00
17 Shopper's Market	2,700	RETAIL	187200SF	14.00
18 Haverd Luggage	2,800	RETAIL	187200SF	11.00
19 Jonathan Polder Pottery	3,200	RESTAURANT	187200SF	16.00
<b>SECOND FLOOR</b>				
20 Kanga Karts Club	4,800	SERVICE	187200SF	16.00
<b>TOTAL PARKING REQUIRED</b>				<b>294.00</b>
<b>TOTAL PARKING PROVIDED</b>				<b>294.00</b>

REMARKS: 1. 1/2" x 14" TOTAL  
 2. 1/2" x 14" TOTAL FOR THE BASEMENT 1/2" x 14" EACH ON THE SIDE BY SIDE  
 3. 1/2" x 14" TOTAL, WITH APPROXIMATE SPACE @ 10' x 20'

VARIANCE IS REQUESTED FROM SECTION 400.2 BZC (AS IN EFFECT AT TIME OF ORIGINAL PERMIT APPROVAL) TO PERMIT A VARIANCE TO ALLOW 317 PARKING SPACES IN LIEU OF THE REQUIRED 294 SPACES

**PETITIONER**  
**OWNER/DEVELOPER**  
**PIKEVILLE SHOPPING CENTER**  
 10 PARKS AVE  
 COCKEYSVILLE, MD 21203  
 410-361-1300

THIS PLAN IS INTENDED FOR ZONING PURPOSES ONLY AND SHALL NOT BE USED FOR CONVEYANCE OF PROPERTY, SPECIAL AGREEMENTS, PERMITS, OR CONSTRUCTION

**PETITIONER'S EXHIBIT No. 1**

OUTLINE SHOWN HEREIN TAKEN FROM DATA FURNISHED BY OTHERS.

PLAT TO ACCOMPANY  
 ZONING PETITION  
 FOR VARIANCE  
**PIKEVILLE SHOPPING CENTER**  
 10 PARKS AVE  
 COCKEYSVILLE, MD 21203  
 BALTIMORE COUNTY, MD  
 SCALE: 1" = 50'

ELECTION DISTRICT #3  
 2ND COUNCILMANIC DISTRICT  
 APRIL 23, 1992  
 REV. MAY 6, 1992  
 REV. AUG. 24, 1992

**GEORGE WILLIAM STEPHENS, JR.**  
**AND ASSOCIATES, INC.**  
 CIVIL ENGINEERS & LAND SURVEYORS  
 658 KENILWORTH DRIVE, SUITE '00  
 TOWSON, MARYLAND 21204  
 (301) 825-8120



PN 07010



An important consideration is the degree to which the existing parking supply discussed above is utilized. A detailed parking study was recently undertaken for the Pikesville Area/Reisterstown Road Corridor.<sup>1/</sup> The parking/usage data presented in this section is based on review of the referenced (1987) study, and on field observations made during the course of this study.

While the subject area of the current study and the 1987 Reisterstown Road Corridor parking study do not exactly coincide, the data is considered representative, particularly in view of the concentration of parking supply and demand along Reisterstown and Old Court Roads. The parking spaces along residential streets would be the same under both studies.

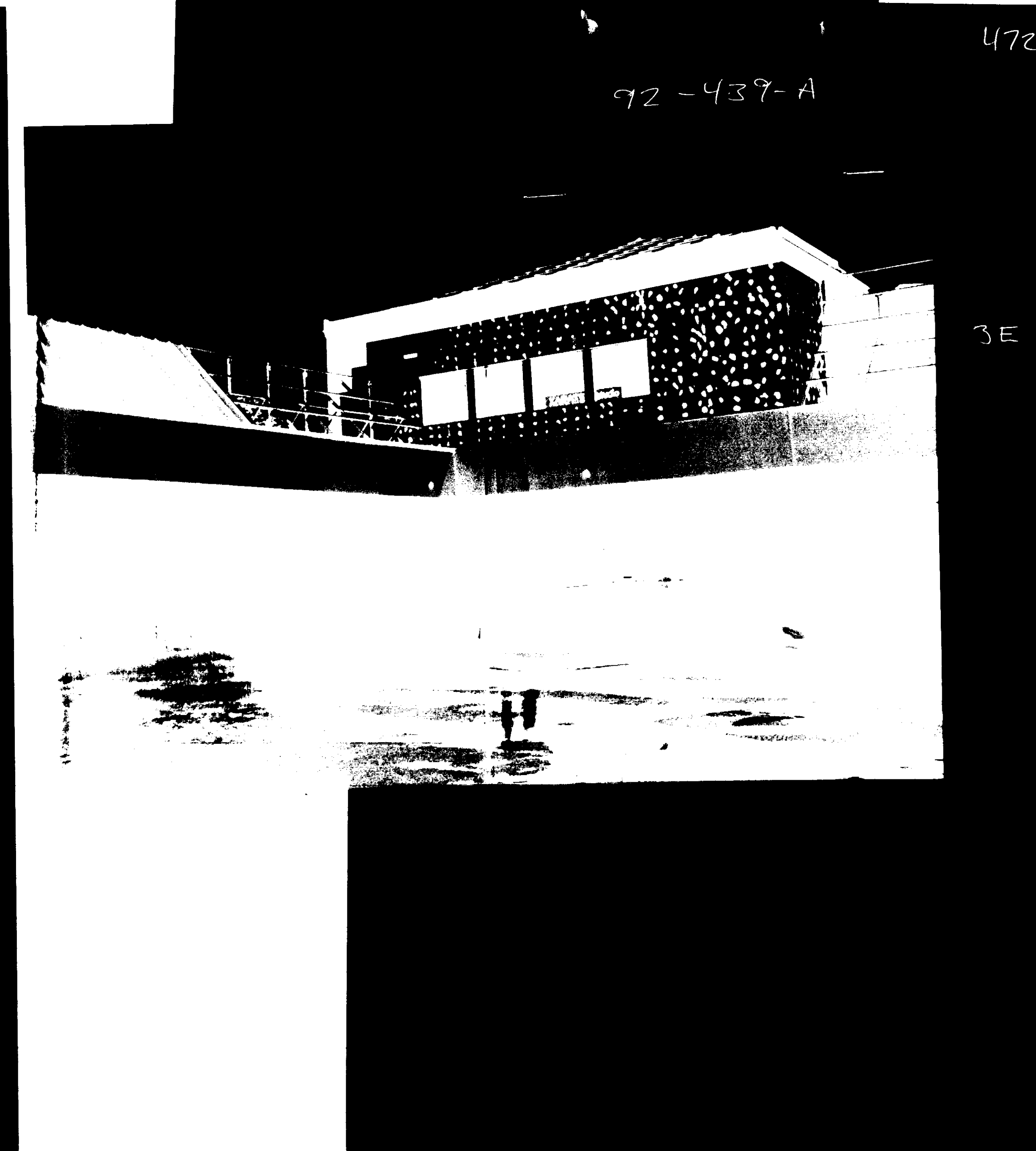
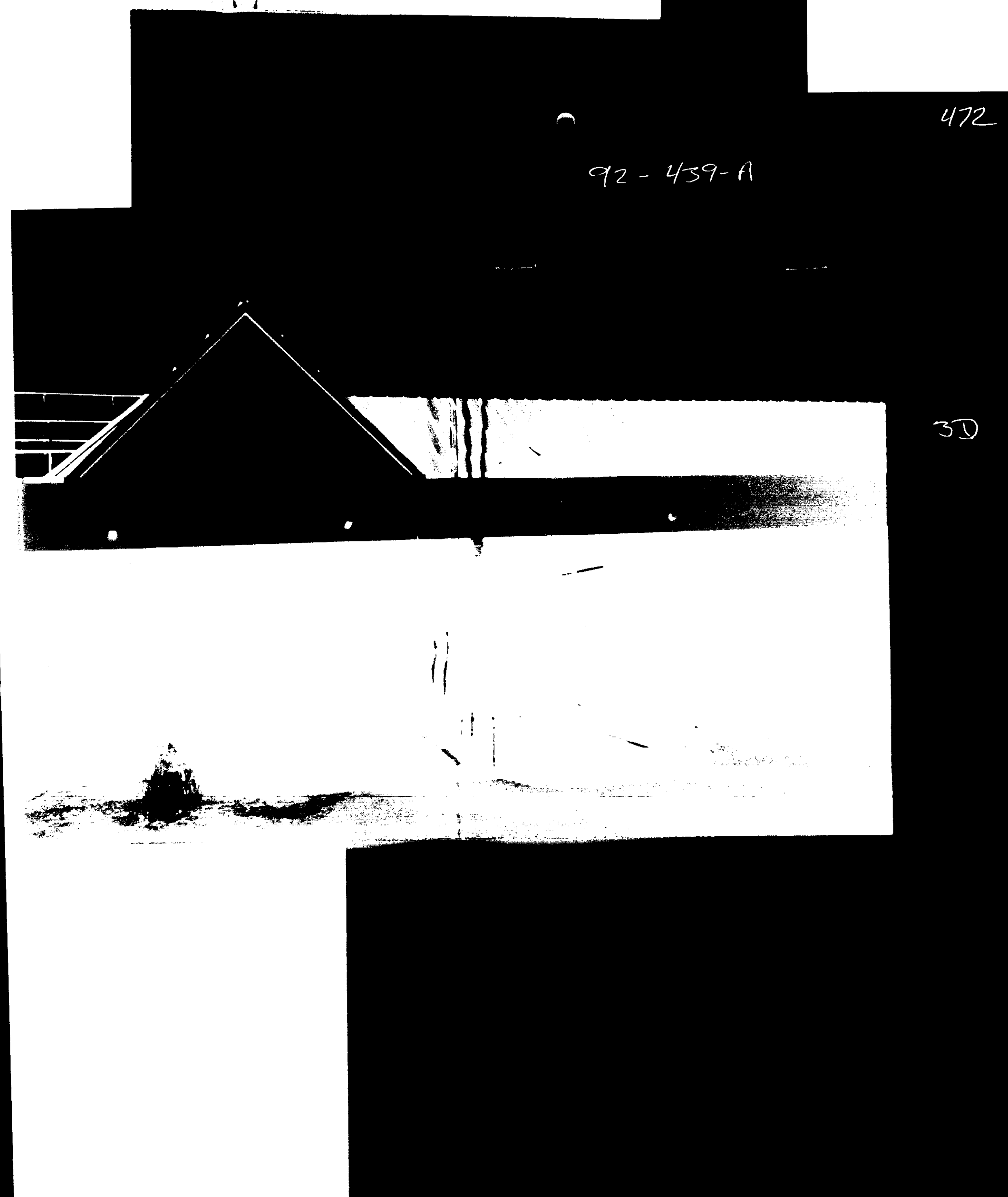
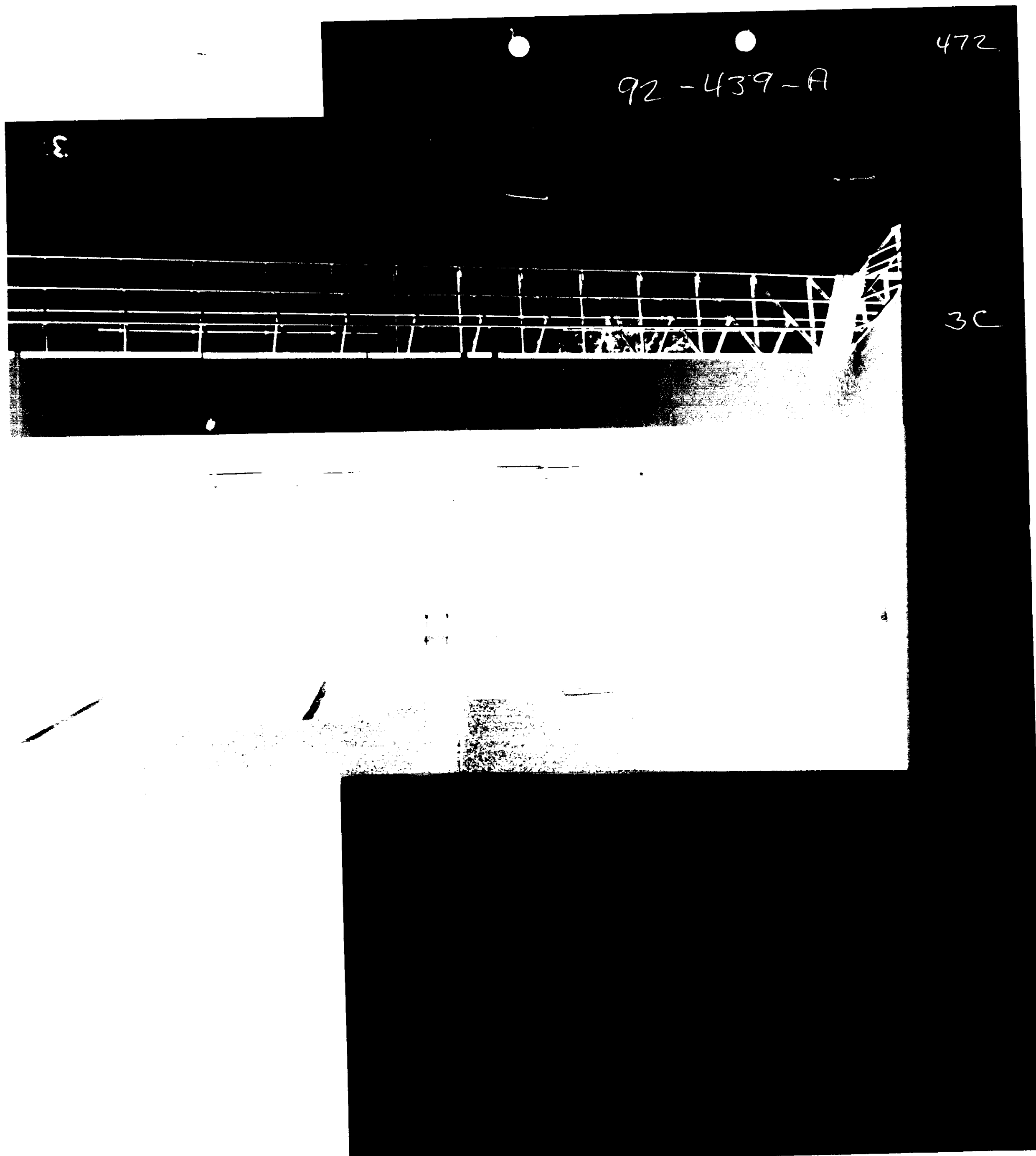
Parking usage or accumulation surveys are generally accepted as clear indications of the degree to which parking supply satisfies current demand. The following two graphics show the level of usage based on surveys documented in the 1987 parking study, by Desmond, Inc., for on-street and off-street parking facilities, respectively.

The data in the graphics indicate that current peak parking demand within off-street parking facilities is 87 percent of supply during typical weekdays, and 55 percent of supply on typical weekend days (Saturday). For on-street parking facilities, the corresponding situation is represented by 55 percent usage on weekdays, and by 38 percent usage on weekend days (Saturday). Peak parking demand occurs between 1:00 and

<sup>1/</sup> Pikesville Parking Study -- Reisterstown Road Corridor, prepared for Baltimore County Revenue Authority and Economic Development Commission, by Desmond, Inc., July, 1987.

19  
**PETITIONER'S**  
**EXHIBIT** *No 2*

HAMMER - SILER - GEORGE - ASSOCIATES



92-439-A

472

3F

92-439-A 3G

472

92-439-A

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3H

439-A

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92-439-A

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4B

4A



92-439-A

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4C



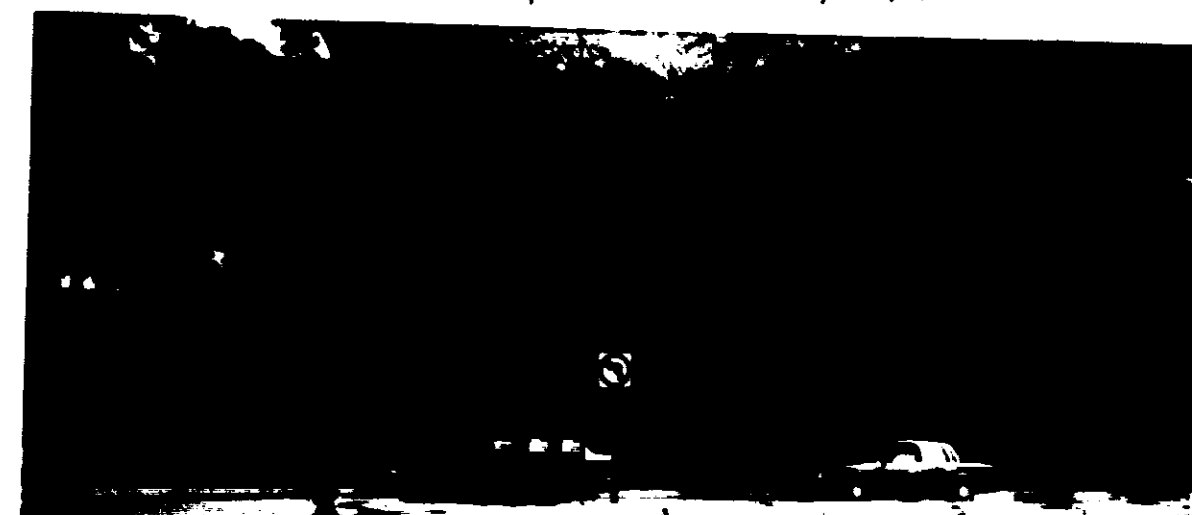
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4E

92-439-A

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4F



4G

92-439A

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6B



7A

7B  
(over)

92-439-A

472



7B



7C



7D

# The Pikesville Shopping Center Parking Tabulation 1974

## TENANT

LOWER LEVEL BASEMENT	SQUARE FEET	USE	REQUIREMENT	SPACES
1 Vinylastic	2,080	Office	1SP/200SF	10.40
2 Clinco's Barber Shop	640	Service	1SP/300SF	2.13
3 Allison Laboratories	645	Office	1SP/300SF	2.15
4 Jay's Apparel	3,600	Storage	None	0.00
5 Jay's Apparel	5,160	Storage	None	0.00
6 The Player's Club	4,300	Service	1SP/300SF	14.33
7 Pikesville Furniture	11,702	Retail	1SP/200SF	58.51
8 Storage, Miller Music & The Men's Shop	11,185	Storage	None	0.00
	2700	Retail	1SP/200SF	13.50
	3250	Office	1SP/300SF	10.83
FIRST FLOOR				
9 Jay's Apparel	12,400	Retail	1SP/200SF	62.00
10 The Zodiac Lounge	4,800	Restaurant	1SP/50SF	96.00
11 Pikesville Furniture	4,000	Retail	1SP/200SF	20.00
12 Pikesville Furniture	8,000	Retail	1SP/200SF	30.00
13 Pikesville Furniture	1,465	Retail	1SP/200SF	7.42
14 Pikesville Cleaners	2,300	Service	1SP/300SF	7.67
15 Rubin's Jewellers	750	Retail	1SP/200SF	3.75
16 Rubin's Jewellers	600	Retail	1SP/200SF	3.00
17 Miller Music	2,700	Retail	1SP/200SF	13.50
18 Millson's Childwear	2,300	Retail	1SP/200SF	11.50
19 The Men's Shop	3,250	Office	1SP/300SF	10.83
SECOND FLOOR				
20 Vacant	4,000	N/A	None	0.00

TOTAL PARKING REQUIRED	382.94
TOTAL PARKING PROVIDED	217.00
DEFICIENCY	165.94

PETITIONER'S  
EXHIBIT No 5



BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

TED ZALESKI, JR.  
DIRECTOR

February 24, 1984

B. Pumpian  
P.O. Box 5983  
Pikesville, Maryland 21208

## PETITIONER'S EXHIBIT No 6

RE: Pikesville Shopping Center, 1400 Reisterstown Road  
Gentlemen:

Maryland State Law requires the installation of handicapped parking spaces in shopping centers which have over 20,000 square feet of leasable area.

We have recently inspected the above referenced shopping center and found that it is not in compliance. The law requires the installation of 4 handicapped parking space(s). These spaces must be 12 feet wide, located to provide easy accessibility to the stores and marked with an appropriate sign on an 8 foot pole. We will make a follow-up inspection on April 16, 1984.

If you have any questions concerning this matter, please contact Mr. Errol Ecker at 494-3953 any morning between 7:30 and 8:30.

Very truly yours,

*John R. Reisinger*  
John R. Reisinger, P. E.  
Buildings Engineer

JHR:es  
cc:Inspector

NOTE: New Owners Carl & Edward Julio  
10 Park Avenue  
Cockeysville, Maryland 21030  
Gave Info. to E. Ecker 4/9/84

92-439-A

472



June 27 - P.P.

489

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITIONER'S  
EXHIBIT No 8

PETITION AND SITE PLAN

EVALUATION COMMENTS

92-439-A  
7A

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92-439-A  
7B

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92-439

472

7B

8A

8B

472

8K

8C

8M

92-439-A

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8C

8D

8E

92-439-A

472

8F

8G

92-439-A

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8H

8I

8J

92-439-A

472



APPLICATION FOR PERMIT  
BALTIMORE COUNTY MARYLAND  
OFFICE OF THE BUILDING ENGINEER  
TOWSON, MARYLAND 21204

PERMIT #: 22254  
RECEIPT #: 22254  
CONTROL #: 22254

PROPERTY ADDRESS: 1342 Reisterstown Rd  
SUBDIV: YES NO  
TAX ACCOUNT #: 0306001701 DISTRICT/PRECINCT: 03  
OWNER'S INFORMATION (LAST, FIRST, MIDDLE): Pikesville Part  
NAME: James H. Decker  
ADDRESS: 10 Pikesville Pk, Cockeysville, MD 21030  
APPLICANT INFORMATION  
NAME: James H. Decker  
COMPANY: Pikesville Part  
ADDRESS: 10 Pikesville Pk, Cockeysville, MD 21030  
PHONE: 822-6600 MHC LICENSE #: 1000000000  
APPLICANT SIGNATURE: [Signature] TRACT: BLOCK: EL: 1 PL: 1  
PLANS: CONST. PLOT: PLAT: DATA: EL: 1 PL: 1  
TENANT: Pikesville Part  
CONTR: 1342 Reisterstown Rd  
ENGR: [Signature]  
SELLER:

DESCRIBE PROPOSED WORK: *Interior alteration to include floor del, partitions, HVAC, counters, paint, finish decorative beams 3,200*  
NAIVE COST PLANS A/B  
DANS 22254 (22254)

TYPE OF USE  
RESIDENTIAL  
01. ONE FAMILY  
02. TWO FAMILY  
03. THREE AND FOUR FAMILY  
04. FIVE OR MORE FAMILY  
05. SWIMMING POOL  
06. GARAGE  
07. OTHER  
08. AMUSEMENT  
09. CHURCH  
10. PENCE (LENGTH HEIGHT)  
11. INDUSTRIAL, STORAGE BUILDING  
12. PARKING GARAGE  
13. SERVICE STATION, REPAIR GARAGE  
14. HOSPITAL, INSTITUTIONAL, NURSING HOME  
15. OFFICE, BANK, PROFESSIONAL  
16. PUBLIC UTILITY  
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL  
18. SIGN  
19. STORE  
20. SWIMMING POOL  
21. TANK, TOWER  
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)  
23. OTHER

TYPE OF CONSTRUCTION  
1. MASONRY  
2. WOOD FRAME  
3. STRUCTURE STEEL  
4. REINFC. CONCRETE  
5. CENTRAL AIR: 1. EXIST. 2. PROPOSED  
6. ESTIMATED COST: \$2000  
7. PROPOSED USE: Shopping Center  
8. EXISTING USE: Shopping Center  
9. OWNERSHIP: 1. PRIVATELY OWNED. 2. PUBLICLY OWNED. 3. SALE. 4. RENTAL  
10. RESIDENTIAL CATEGORY: 1. DETACHED. 2. SEMI-DET. 3. GROUP. 4. TOWNHOUSE. 5. MIDRISE  
11. #FAM: 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.  
12. FAMILIES BEDROOMS  
13. GARAGE DISPOSAL 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.  
14. KITCHENS  
15. CLASS  
16. LIBR.  
17. FOLIO  
18. APPROVAL SIGNATURES  
19. DATE

BUILDING SIZE  
FLOOR: 3000  
WIDTH: 100  
DEPTH: 100  
HEIGHT: 100  
STORIES: 100  
LOT #S: 100  
CORNER LOT: 100  
1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED  
1342 Reisterstown Rd  
Pikesville Part  
Apply req. plans arrived

## Pikesville, Maryland Revitalization Plan

Prepared for  
Baltimore County, Maryland

HAMMER · SILVER · GEORGE · ASSOCIATES

ECONOMIC AND DEVELOPMENT CONSULTANTS

### The Pikesville Shopping Center Parking Tabulation 1982

| TENANT                 | LOWER LEVEL BASEMENT     | SQUARE FEET | USE        | REQUIREMENT | SPACES |
|------------------------|--------------------------|-------------|------------|-------------|--------|
| 1                      | Well Electric            | 2,080       | Office     | 1SP/300SF   | 8.93   |
| 2                      | Cimino's Barber Shop     | 640         | Service    | 1SP/300SF   | 2.13   |
| 3                      | University Plaza         | 645         | Retail     | 1SP/200SF   | 3.23   |
| 4                      | Jay's Apparel            | 3,600       | Storage    | None        | 0.00   |
| 5                      | Jay's Apparel            | 5,160       | Storage    | None        | 0.00   |
| 6                      | The Player's Club        | 4,300       | Service    | 1SP/300SF   | 14.33  |
| 7                      | The Pikesville Eatery    | 11,702      | Restaurant | 1SP/50SF    | 234.04 |
| 8                      | Storage & The Men's Shop | 7,935       | Storage    | None        | 0.00   |
|                        |                          | 3,250       | Office     | 1SP/300SF   | 10.83  |
| FIRST FLOOR            |                          |             |            |             |        |
| 9                      | Jay's Apparel            | 12,400      | Retail     | 1SP/200SF   | 62.00  |
| 10                     | The We Fit Corset Shop   | 4,800       | Retail     | 1SP/200SF   | 24.00  |
| 11                     | The Pikesville Eatery    | 4,000       | Restaurant | 1SP/50SF    | 80.00  |
| 12                     | Show Off                 | 6,000       | Retail     | 1SP/200SF   | 30.00  |
| 13                     | The Paper Shop           | 1,485       | Retail     | 1SP/200SF   | 7.42   |
| 14                     | One Hour Cleaners        | 2,300       | Service    | 1SP/300SF   | 7.67   |
| 15                     | Van Style                | 750         | Service    | 1SP/300SF   | 2.50   |
| 16                     | Peretz Galleries         | 600         | Retail     | 1SP/200SF   | 3.00   |
| 17                     | Shoemarket               | 2,700       | Retail     | 1SP/200SF   | 13.50  |
| 18                     | Howard Luggage           | 2,300       | Retail     | 1SP/200SF   | 11.50  |
| 19                     | The Men's Shop           | 3,250       | Retail     | 1SP/200SF   | 16.25  |
| SECOND FLOOR           |                          |             |            |             |        |
| 20                     | Vacant                   | 4,000       | N/A        | None        | 0.00   |
| 21                     | Fotomat                  | N/A         | Retail     | 2SP         | 2.00   |
| TOTAL PARKING REQUIRED |                          |             |            |             | 531.33 |
| TOTAL PARKING PROVIDED |                          |             |            |             | 217.00 |
| DEFICIENCY             |                          |             |            |             | 314.33 |

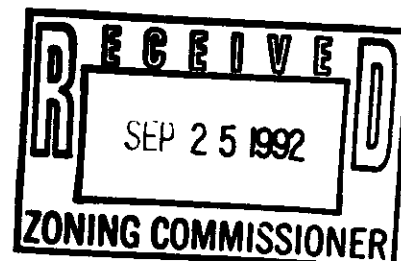
### The Pikesville Shopping Center Parking Tabulation 1992

| TENANT                 | LOWER LEVEL BASEMENT               | SQUARE FEET | USE        | REQUIREMENT | SPACES |
|------------------------|------------------------------------|-------------|------------|-------------|--------|
| 1                      | Vacant                             | 2,080       | Retail     | 1SP/200SF   | 10.40  |
| 2                      | Cimino's Barber Shop               | 640         | Service    | 1SP/300SF   | 2.13   |
| 3                      | University Plaza                   | 645         | Retail     | 1SP/200SF   | 3.23   |
| 4                      | Vacant                             | 3,600       | Service    | 1SP/300SF   | 12.00  |
| 5                      | Vacant                             | 5,160       | Retail     | 1SP/200SF   | 25.80  |
| 6                      | The Player's Club                  | 4,300       | Service    | 1SP/300SF   | 14.33  |
| 7                      | Vacant                             | 11,702      | Retail     | 1SP/200SF   | 58.51  |
| 8                      | Storage                            | 11,185      | Storage    | None        | 0.00   |
| FIRST FLOOR            |                                    |             |            |             |        |
| 9                      | Rite Aid/Vacant                    | 12,400      | Retail     | 1SP/200SF   | 62.00  |
| 10                     | Shoemarket                         | 4,800       | Retail     | 1SP/200SF   | 24.00  |
| 11                     | Vacant                             | 4,000       | Retail     | 1SP/200SF   | 20.00  |
| 12                     | Amazing Savings                    | 6,000       | Retail     | 1SP/200SF   | 30.00  |
| 13                     | Fame School of Nail Design         | 1,485       | Service    | 1SP/300SF   | 4.95   |
| 14                     | One Hour Cleaners                  | 2,300       | Service    | 1SP/300SF   | 7.67   |
| 15                     | Wally's Dance Studio               | 750         | Service    | 1SP/300SF   | 2.50   |
| 16                     | Pikesville Jewelry & Coin Exchange | 600         | Retail     | 1SP/200SF   | 3.00   |
| 17                     | Shoemarket                         | 2,700       | Retail     | 1SP/200SF   | 13.50  |
| 18                     | Howard Luggage                     | 2,300       | Retail     | 1SP/200SF   | 11.50  |
| 19                     | Jonathan Poulet Rotisserie         | 3,250       | Restaurant | 1SP/50SF    | 65.00  |
| SECOND FLOOR           |                                    |             |            |             |        |
| 20                     | Kenpo Karate Corp                  | 4,000       | Service    | 1SP/300SF   | 13.33  |
| TOTAL PARKING REQUIRED |                                    |             |            |             | 384.00 |
| TOTAL PARKING PROVIDED |                                    |             |            |             | 217.00 |
| DEFICIENCY             |                                    |             |            |             | 167.00 |

#### PETITION IN SUPPORT OF HILL MANAGEMENT'S REQUEST FOR PARKING VARIANCE

The tenants of Pikesville Shopping Center hereby support the granting of the parking variance requested by Hill Management, our landlord at PSC, and in support thereof state the following:

1. The rejuvenation of PSC is crucial to the rejuvenation of Pikesville's Commercial District. PSC stands at the middle of the Commercial District and, as a result, the success of the tenants at PSC will greatly foster the rejuvenation of the Commercial District.
2. Pikesville is now a Town Center whose business occupants constitute a closely intertwined group. They have symbiotic relationships that are evidenced by cooperative parking. For instance, customers park at Club Center, behind Field's, and at the Revenue Authority's location off Walker Avenue and Reisterstown Road and walk up and across Reisterstown Road. Pedestrian traffic is clearly evident on both sides of Reisterstown Road.
3. Most of the opposition to Hill's requested variance has been generated by the owners of Field's Pharmacy who appear to be under the mistaken belief that Rite Aid can be prevented from becoming a tenant at PSC if the requested variance is denied. In fact, Hill Management already has enough parking spaces to permit the Rite Aid tenancy.



#### COVAHEY & BOOZER, P.A.

EDWARD C. COVAHEY, JR.  
F. VERNON BOOZER  
MARK S. DEVAN  
ANTHONY J. DIPAUULA  
THOMAS P. DORE

ANNEX OFFICE  
SUITE 101  
808 BALTIMORE AVE.  
TOWSON, MD. 21204

May 28, 1992

Arnold Jablon, Director  
Zoning Administration and  
Development Management  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: CASE NO.: 92-439-A  
VARIANCE PETITION OF PIKESVILLE SHOPPING CENTER,  
1340 TO 14404 REISTERSTOWN ROAD

Dear Mr. Jablon:

This will acknowledge receipt of a notice of hearing in the above scheduling same for Tuesday, June 23, 1992 at 9:30 a.m. Unfortunately, the undersigned is scheduled to act as Court Appointed Trustee on approximately 25 foreclosure sale cases in Anne Arundel County, Baltimore City, Baltimore County, and Harford County that date, which sales have already been advertised in accordance with the Maryland Rules of Procedure. It is therefore respectfully requested that this hearing be rescheduled.

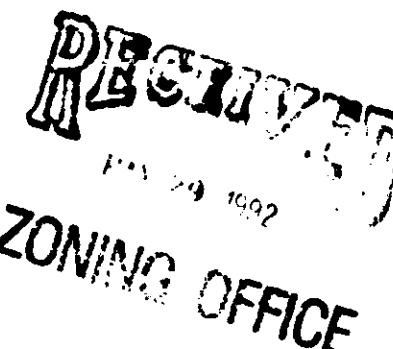
In addition, I am advised that the principal of the Petitioner is scheduled to be away from July 29 through August 10. If the undersigned could be consulted in the selection of a new date, it would certainly be appreciated.

Very truly yours,

Anthony J. DiPaulla

AJD/ds  
5 ds.104

cc: Pikesville Partnership  
James Matis



#### COVAHEY & BOOZER, P.A.

EDWARD C. COVAHEY, JR.  
F. VERNON BOOZER  
MARK S. DEVAN  
ANTHONY J. DIPAUULA  
THOMAS P. DORE

ANNEX OFFICE  
SUITE 101  
808 BALTIMORE AVE.  
TOWSON, MD. 21204

November 18, 1992

#### HAND DELIVERED

Lawrence E. Schmidt  
Zoning Commissioner  
Suite 113, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204

RE: 1340-1404 REISTERSTOWN ROAD  
PIKESVILLE SHOPPING CENTER  
PIKESVILLE PARTNERSHIP, PETITIONER

Dear Mr. Schmidt:

Thank you for the Findings of Fact and Conclusions of Law recently entered in the above matter. It obviously took a lot of time balancing the interests of the various parties involved.

There is, however, one serious problem caused by your decision, and notwithstanding the fact that the Petitioner would prefer not to have to file an appeal, one of the restrictions which constitutes a condition precedent to the grant of the variance creates an irreconcilable situation.

I am advised by the Petitioner that several weeks ago, a lease agreement was executed between the United States Postal Service and the Pikesville Partnership. Restriction No. 3 of your Order prohibits the "entering into any lease agreement". Since it was a fait accompli before the entry of your Order and its receipt by the Petitioner, it is a condition that cannot be met. There is also the question of the language on Page 10 of the Opinion which relates to the United States Post Office and which states, "this will not require the Petitioner to break any leases...", the exact import of which is unclear.

If necessary, we could file a formal motion for reconsideration, however it would be in everyone's best interest if the matter could be addressed informally and hopefully resolved.

#### COVAHEY & BOOZER, P.A.

EDWARD C. COVAHEY, JR.  
F. VERNON BOOZER  
MARK S. DEVAN  
ANTHONY J. DIPAUULA  
THOMAS P. DORE

ANNEX OFFICE  
SUITE 101  
808 BALTIMORE AVE.  
TOWSON, MD. 21204

December 4, 1992

#### HAND DELIVERED

Lawrence E. Schmidt  
Zoning Commissioner  
Suite 113, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204

RE: 1340-1404 REISTERSTOWN ROAD  
PIKESVILLE SHOPPING CENTER  
PIKESVILLE PARTNERSHIP, PETITIONER  
CASE NO.: 92-439-A

Dear Mr. Schmidt:

I finally had the opportunity to discuss this matter with Nancy Paige and I believe I am accurately reflecting the sum and substance of our discussions by stating that while she believed her clients were willing to discuss a compromise premised upon the imposition of certain additional restrictions which were not part of your original Order, she would be vehemently opposed to a modification of the restriction in your Order with respect to a lease with the United States Postal Service. My earlier letter of November 18, 1992 essentially sought clarification of certain language in your Findings of Fact, (i.e., Page 10), and some guidance as to the existing state of affairs, namely an executed lease dated October 2, 1992 and your subsequent Order prohibiting same. It is my understanding from you that a representative of the United States Post Office has also undertaken to contact you directly in this matter.

Your initial inquiry to me in response to my letter was whether the Protestants were going to file an appeal, in which event any further action toward addressing the problem would be a waste of time. My impression from Ms. Paige is that the Protestants are not inclined to appeal the Order as it presently stands. That still leaves the Petitioner in an untenable position.

**U.S. Postal Service**  
Solicitation for Proposals  
Existing Space

1. Facility Name/Location: PIKESVILLE FIN UNIT - BALTIMORE, MD 21208-9998 Date: 11/04/1991

2. Submit Proposals To:  
JOHN QUINN  
REAL ESTATE SPEC  
COLUMBIA FSO  
PO BOX 701  
COLUMBIA, MD 21045-0701

Preferred Area:  
North: Baltimore Beltway Route 695  
South: Reisterstown Road - 1 block  
East: Park Heights Avenue - 2 blocks  
West: Sudbrook Lane - 5 blocks

Submit not later than the close of business on: 12/06/1991

3. The U.S. Postal Service is soliciting proposals to furnish existing space at a specified annual rental and for:

Basic Term: 15 Years

Renewal Options:  
3 - 5 year renewal options

4. The approximate areas desired are indicated below in sq. ft. (see drawings and specifications)

|                                |        |
|--------------------------------|--------|
| Net Interior Space             | 3,662  |
| Driveway, Parking & Manicuring | 12,760 |
| Platform                       | 120    |
| Minimum Site Size*             | 26,141 |

\* excluding setbacks, easements, etc.

5. AWARD: Any award made under this solicitation will be made to the responsible offeror whose proposal for the cost, location, lease terms, overall project economics, operational benefits, past job performance, and other factors is most advantageous to the U.S. Postal Service. The U.S. Postal Service reserves the right to negotiate with any or all offerors as to any or all rental rates, or other terms and conditions of the proposal; to secure proposals in addition to those offered initially in response to this solicitation, without waiving its right to accept the proposal as submitted; or to reject any and all proposals.

6. OPENING OF PROPOSAL: This is not a sealed solicitation and proposals will not be publicly opened. Information as to the number of proposals received or the identity of the offerors will not be made available to anyone whose official duties at the U.S. Postal Service do not require such knowledge.

7. The Postal Service will consider letter proposals. However, the selected space will be contracted for using a USPS Lease. A minimum of 120 days is required for the processing of these proposals.

8. Offerors must include in their proposal: a telephone number where the offeror may be reached during the day; a correct legal description or copy of the current deed; a plot plan showing land location and dimensions, location of buildings thereon, driveways and parking areas, abutting streets and alleys, and widths thereof; together with a floor plan of the interior space offered showing dimensions.

9. The offeror must own or control the property offered. If the proposal is submitted by an agent for the owner, evidence of the agent's exclusive authority to offer the subject property must accompany the proposal.

10. The property offered must be properly zoned to permit use for a postal facility or must be capable of being rezoned for such use. The owner will be responsible for all action necessary to obtain zoning prior to leasing to the Postal Service. U.S. Postal Service personnel may, if requested by the owner or local officials, attend hearings to present a summary of the interest of the Postal Service regarding the property.

September 1991



Mr. Lawrence C. Schmidt  
Zoning Commissioner  
Baltimore County, Maryland  
111 West Chesapeake Avenue  
Towson, MD 21204

RE: Case No. 92-439A  
Owner: Pikesville Partnership  
Location: 1340 - 1404 Reisterstown Road  
Pikesville Shopping Center

Dear Sir:

The Pikesville Chamber of Commerce through their zoning committee has carefully reviewed the request for a parking variance of 163 spaces submitted by the owner of the above-referenced property.

The Chamber of Commerce is highly cognizant of the need to fill vacant retail space in the business community, and particularly the property in question; however, the Chamber must carefully weigh the needs of the applicant against the rights and concerns of neighborhood businesses that will suffer as a result of a poor decision.

The Chamber of Commerce conducted its own study of the present parking situation on the applicant's property. Our study was done on a business day - not a Saturday or Sunday. We found the front lot of the property full with several cars circling for spaces to park. The rear lot had many spaces available. This pattern was observed on several occasions. Because of the inaccessibility of the rear lot and the difficult walk necessary to the front, there remains an underutilization of the rear lot.

The property owner presently leases ten spaces on the rear to a bank for employees parking. The owner also allows use by the Maryland State Police for full-day parking on the rear lot.

The discontinued use by the bank and the State Police will create the need for other parking spaces in the business district.

The parking study submitted to the Chamber by the owners, prepared by Lee Cunningham & Associates, Inc., was done on a Saturday, therefore, it does not reflect the situation on a normal business day (Monday through Friday). Many of the businesses located in Club Center are closed on Saturday. We find this study to be invalid for the purpose stated in the report.

The Chamber of Commerce reviewed the petition of various tenants presently leasing in the captioned property and support their concerns that present parking is not adequate for the space now leased. The requested variance would substantially add to the already now parking shortage.



PIKESVILLE SHOPPING CENTER

6-23-92  
12:30 PM



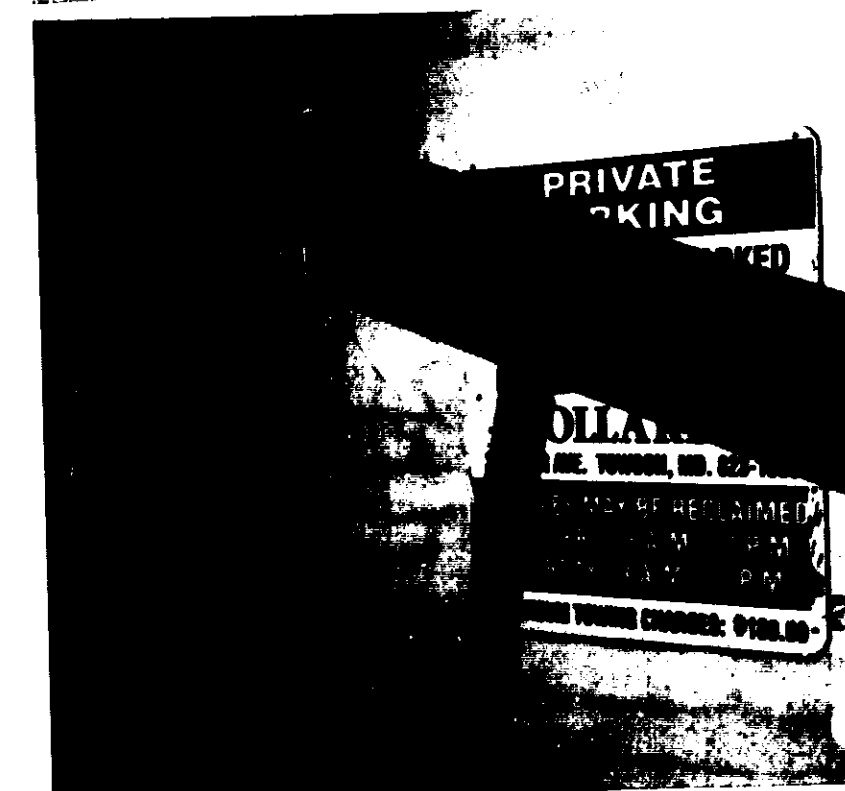
CLUB CENTER

6-23-92  
12:35 PM

Protestants  
3A



1310 BEDFORD RD  
At Rear of Pikesville Shopping Center



Sign on Pikesville Shopping Center



Rear of Property  
on Church Lane  
At Bedford Zoned  
P/L 125.4 Acre  
Pikesville Shopping  
Center

8-24-92

92-439-A

472

## PIKESVILLE PARKING STUDY REISTERSTOWN ROAD CORRIDOR

Prepared for:  
**BALTIMORE COUNTY  
REVENUE AUTHORITY  
and  
ECONOMIC DEVELOPMENT  
COMMISSION**

Prepared by:  
**DESMAN, INC.**

JULY 1987

**LEE CUNNINGHAM  
& ASSOCIATES, INC.**  
LAND-USE AND TRANSPORTATION PLANNING

Presented to  
Committee 7-1-92

June 19, 1992

Mr. T. C. Julio  
Hill Management Company  
9640 Deercro Road  
Timonium, MD 21093

No 5  
ID

RE: PARKING ACCUMULATION AT CLUB CENTER  
REISTERSTOWN ROAD

Dear Mr. Julio:

As you requested staff of Lee Cunningham & Associates, Inc. measured the parking accumulation at the subject center between the hours of 6:00 AM and 6:00 PM on Saturday June 6, 1992. To do this staff of Lee Cunningham & Associates, Inc. (LCA) counted the total number of vehicles in the lot serving the center at the beginning of the count period. Traffic entering and exiting all driveways to the lot was counted and recorded in 15 minute increments. This was used to calculate the total number of vehicles on the lot. The actual accumulation by 15 minute period is shown on the attached tables.

The maximum vehicle accumulation on the lot occurred during the 1:45 to 2:00 PM interval. At that time 159 vehicles were parked on the lot. Based on the information that you provided to me and on the Baltimore County parking regulations, the regulatory requirement for parking at the Club Center is 261 spaces. There is currently, however, 3,715 square feet of unoccupied retail space in the Club Center. If the regulatory requirement is reduced due to this unoccupied space the total number of parking spaces required on the Club Center site would be 243. The actual usage during this peak time is, then, 65.4% of the total adjusted parking requirement. This indicates that the regulatory requirement is 34.6% too high for the subject site, probably due to the "Urban Village" characteristics of the area.

10015 Old Columbia Road  
Suite 201  
Columbia, MD 21046

P.O. Box 1588  
Chesapeake Beach, MD 20762

Washington (202) 966-7800 • Baltimore (410) 280-6990 • Chesapeake Beach (202) 846-2200  
1-800-972-9090



Zoning Commissioner at the hearing that it is therefore doubtful that parking off-site would be of any use. As to acquiring other adjacent property, this is not even a proper consideration in a variance case. The property under consideration is the existing site, not whether additional land can be acquired to make it conform.

Long ago it was recognized that off-street parking in Pikesville was and would continue to be a problem as a review of previous Baltimore County zoning decisions illustrates. On February 8, 1956, in case No. 3691-V, the then Zoning Commissioner Adams granted a variance to Pikesville Medical Center, Inc. for the property situate at the northeast corner of Reisterstown Road and Walker Avenue, to allow 43 less parking spaces than required under the regulations then in effect. This is the same property where Fields Pharmacy is now located. In that case, Malcolm Dill of the Office of Planning noted in a comment to Commissioner Adams:

In Pikesville, the provision of off-street parking on individual commercial lots will not solve the parking problem. It must be attained on a much broader scale.

The evidence presented by the Protestants in this case in many ways bolstered the Petitioner's case. The existing tenants at the site testified that the parking area in the rear of the center is often times under-utilized. There are

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improvements to be made to the rear parking area, all of which were discussed at the hearing, and many of which were requested by the Protestants. There was evidence produced that patrons were observed parking in one place, yet walking to other businesses. This is not necessarily indicative of a parking problem, but is actually what is expected in a CT district as the property is zoned. A patron may park in one parking area, walk to another business establishment for something to eat, stop and shop at other stores along the way, and then go back and shop at stores where they originally parked. The fact that patrons were seen walking from the Club Centre parking lot over to the Poulet chicken establishment in the Pikesville Shopping Center, is indicative of this. For that reason, there are others who park on the front parking lot of the Pikesville Shopping Center, walk across the street to the bank, and probably stop in Field's Pharmacy. There are undoubtedly patrons who park along the street either in public metered parking or on the public parking lot, and visit many establishments.

The issue is whether the Petitioner has shown that without the variance, it will suffer unnecessary or unreasonable hardship, or practical difficulty. Aside from the alternatives listed above, there is nothing that the Petitioner

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can to in order to comply with the requirements for parking, and none of the alternatives are reasonable.

The reasonable solution is to grant the variance for the 167 spaces requested, but at the same time require as part of the grant that the Petitioner pave and stripe the rear parking lot; provide adequate and safer lighting on the rear parking lot; create a passageway through the middle of the shopping center to make the center more accessible to patrons parking in the rear; provide an elevator in the rear of the building so that patrons using the rear parking area can access the businesses on the second floor of the center. These improvements are not a small undertaking and are not without substantial cost and expense to the Petitioner, but they provide a means of assuring that the on-site parking facilities are fully utilized to avoid any undue and unnecessary burdening of the available parking facilities in the area. With the variance granted for a specific number of spaces, it would always be subject to periodic spot checking by the zoning enforcement office to insure that with whatever tenants are occupying the center at any particular time, the number of spaces permitted is not being exceeded, and it is something that would be monitored automatically each time alteration permits are sought due to changing tenants. Without the


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variance, thus being able to lease only 50% of its leasable area, the Petitioner would be denied a reasonable return from, or the reasonable use of, its property.

#### IV. CONCLUSION

For all of the reasons stated, it is respectfully requested that the variance for 167 parking spaces be granted, subject to any restrictions which the Zoning Commissioner deems just.

Respectfully submitted,

  
Anthony J. DiPaula  
Covahey & Booser, P.A.  
614 Bosley Avenue  
Towson, Maryland 21204  
(410) 828-9441

#### CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this 25 day of September, 1992, a copy of the foregoing Petitioner's Memorandum was mailed, first class, postage prepaid to Nancy E. Paige, Esquire, Gordon, Feinblatt, Rothman, Hoffberger & Hollander, Garrett Building, 233 E. Redwood Street, Baltimore, Maryland 21202.

  
Anthony J. DiPaula

92-09-27.ds

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#### BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

W/S REISTERSTOWN ROAD \*  
35 ft.± west of \*  
C/L Reisterstown Road, \* Case No. 92-439-A  
State Route 140, and McHenry \*  
Avenue \*  
1340-1404 REISTERSTOWN ROAD - \*  
PIKESVILLE SHOPPING CENTER \*  
Third Election District \*  
Second Councilmanic District \*  
Petitioner: \*  
PIKESVILLE PARTNERSHIP \*

\* \* \* \* \*

#### PROTESTANTS' POST HEARING MEMORANDUM

Fields Pharmacy Inc., and Samuel N. Gorn T/A 1427 Limited Partnership Courthouse Commons, Protestants, offer the following memorandum in opposition to the variance requested herein.

#### I. STATEMENT

This is an appeal by the owner of the Pikesville Shopping Center for a variance to allow 217 parking spaces in lieu of the required number, which the Petitioner represents to be 384 spaces, in other words, to permit parking to be reduced to 56% of the requirement.<sup>1</sup> At the hearing, opposition to this proposal was expressed by the Pikesville Chamber of Commerce, several tenants of the shopping center, the Baltimore County Department of Economic Development, as well as Fields Pharmacy, located directly across the street, and Samuel Gorn whose entity

<sup>1</sup> As shown below, it is the Protestants' position that this requirement is seriously understated, and the variance requested is therefore even greater.

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owns and operates a small strip center diagonally across the street from the subject property.

The center has existed since approximately 1954.

However, at the commencement of the hearing, the petitioner expressly denied that it was seeking to establish the right to continue a non-conforming use, and affirmed that its request was for a parking variance. The case proceeded on that basis.

#### II. FACTS

The testimony was overwhelming, and uncontradicted, that, as stated in the report of the Baltimore County Department of Economic Development,

... parking is an issue in Pikesville and a serious problem has developed at the Pikesville Shopping Center site. The popularity of the new tenants (even before the Center is full) has brought the lot to overflowing. I have made a point to visit this site at various times throughout the day, weekdays and weekends, and the lot is usually completely full with additional cars circulating for openings. My office has also received calls from neighbors whose customers cannot find spaces on their own lots because of the overflow. Security guards are being hired and cars are being towed. Customers are also becoming frustrated trying to shop at the Julio [Pikesville Shopping Center] property itself. A parking problem does exist. [Emphasis added.]

Nonetheless, in furtherance of its policy to "encourage owners [in older areas] to pursue each opportunity," the Department indicated that it would be supportive of the requested variance on specific conditions:

1. Repaving and re-lighting of the rear parking lot;

2. Elevator access from the rear lot to storefront level; and

3. Provision and requirement of off-site employee parking.<sup>2</sup>

Madeleine You, who operates the One Hour Cleaners (space no. 14), Stephen Zimmerman of Howard Luggage (space no. 18) and Kimberly Thomas, the manager of Shoepermarket (space no. 17), all corroborated the findings of the Department of Economic Development and testified that the parking situation had deteriorated in recent years. Heavy parking demands from students and teachers at the Fame School of Nail Design, and by customers of Amazing Savings and a new restaurant, La Poulet,<sup>3</sup> have created a major problem, even though approximately one-third of the center is vacant. Both Ms. You and Mr. Zimmerman estimated that there are twenty-five to thirty students and teachers at the Fame School at any given time. The petitioner's parking tabulation allots only 5 spaces to this use.

There are two separate parking lots for this center. The front lot contains only 98 spaces. Virtually all existing stores, including the restaurant, face and open onto this lot. Total area of these stores is 45,385 square feet. Even if all this space were dedicated to general retail use, 227 spaces, more

<sup>2</sup> See *Jewish Times* article, September 18, 1992, in which this position was reiterated.

<sup>3</sup> It was the application for a permit for this new tenant which prompted this appeal.

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than twice the number provided, would be required. Baltimore County Zoning Regulations ("B.C.Z.R.") §409.6A2.

However, the space is not all retail, but includes a restaurant, which itself requires 48 additional spaces, and three schools, Wally's Dance Studio (space no. 15), Fame School of Nail Design (space no. 13) and Kenpo Karate (space no. 20). No specific information was offered by the petitioner respecting the number of employees, visitors or students utilizing any of these facilities. However, others suggested that Fame alone uses 5-6 times the number of spaces required for retail use. (25-30 as opposed to 5. B.C.Z.R. §409.6A2.)

The rear parking lot, which by all accounts is under utilized, is at a steep grade one story below the existing shopping center. The parking plan reflects that it will accommodate 119 spaces. At the present time only a billiards parlor (space no. 6) has an entrance from the rear parking lot, though the barber shop and pizza shop are accessible up two flights of stairs from that lot.

Because of its distance from the stores and the steep grade (impassable in icy weather), the availability of spaces on the rear lot does little to relieve the overcrowding in front. The petitioner proposes to remodel the rear of the shopping center to convert existing storage areas to leasable spaces totalling 20,462 square feet. Total leasable area facing the rear would then equal 28,127 square feet, generating a need for

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141 spaces (if entirely retail). This is 22 more than provided, and would leave nothing for employees or overflow from the front.

#### ARGUMENT

##### I. The Petitioner Has Failed To Meet The Standards For A Parking Variance.

B.C.Z.R. Section 409.12(B) expressly provides that "if the requirements for parking space or loading space in Section 409 would create an undue hardship, the Zoning Commissioner may approve a modified plan upon petition and after a public hearing..." (Emphasis added.)<sup>4</sup>

"Mere financial hardship or an opportunity to get an increased return from the property is not sufficient reason for granting a variance." Anderson v. Board of Appeals, 22 Md. App. 28, 38 (1974), citing Dahl v. County Board of Appeals, 258 Md. 157, 167 (1977); Salisbury Board v. Bounds, 240 Md. 547, 555 (1965); Marino v. City of Baltimore, 215 Md. 206, 218 (1957) and Easter v. City of Baltimore, 195 Md. 395, 400 (1950).

Additionally, the hardship must be peculiar to the property in question, Marino, *supra*; Loyola Loan Assn. v. Buschman, 227 Md. 243, 249 (1961), and not the result of the applicant's own actions, Salisbury Board, *supra*, 240 Md. at 554. The current application fails on all counts.

<sup>4</sup> This is a higher standard than that of "practical difficulty" which, absent other specific regulation, applies to different types of variances. *See*, generally, B.C.Z.R. §307.1. Based on the evidence, the application would not even meet the lesser standard.

##### A. Any Purported Hardship Is Merely Financial.

The only apparent basis for the requested variance is that the shopping center, as constructed, will not accommodate more than 217 parking spaces. Even this is subject to question, since the original parking plan, submitted in 1954, reflected an additional 50 spaces. See Letter of W. Carl Richards, June 29, 1992. In any event, it does not constitute the requisite hardship.

The regulations expressly permit the utilization of off-site parking facilities within 1000 feet. B.C.Z.R. §409.7B. Evidence was adduced that off-site contiguous land is available for sale or lease, and no evidence was adduced to indicate that the petitioner cannot satisfy the parking requirements in whole or in part by off-site parking. The petitioner testified that providing decked parking would be costly and would only meet a portion of the shortfall. Even if accepted, "mere financial hardship or an opportunity to get an increased return from the property" does not warrant a variance. Anderson, *supra*; Dahl, *supra*.

##### B. Any Purported Hardship Is Not Unique To This Property And In Any Event Is The Result Of The Voluntary Actions Of The Petitioner.

The parking problem at this location results from too many users on too small a parcel. That circumstance is not unique and could apply to any parcel of property. It is not a legal basis for a variance. Easter, *supra*.

Further, the current crisis is attributable in large measure to the establishment by the petitioner, of new, very "parking intensive" uses. Most recently, La Poulet replaced a retail use which generated a requirement for only 17 spaces. The restaurant generates a need for 65 spaces, an increase of 48 spaces (half again as many as the entire front lot). B.C.Z.R. §409.6 A.2. Furthermore, outdoor seating generates increased parking demand. The Fame School and Wally's Dance Studio were established within the last 2-3 years, or less, replacing retail uses. Kenpo Karate occupies 4,000 square feet never previously tenanted. None of these new uses were approved by the Zoning Commissioner in accordance with applicable regulations. B.C.Z.R. §409.6 A.3.

Finally, the petitioner proposes to create new retail or "service" uses in 20,000 square feet of space which has been vacant or used for storage, again increasing parking demand. A variance is clearly not justified to permit this aggravation of an already serious problem.

##### II. The Variance Is Contrary To The Spirit And Intent Of The Off-Street Parking Regulations And Would Injure The General Welfare.

B.C.Z.R. §307.1 permits a variance

only if in strict harmony with the spirit and intent of [the]...off-street parking... regulations, and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare.

The requested variance utterly fails these tests. Even with one-third of the stores vacant there is a serious parking problem and that customers who cannot find space on the subject lot park on other peoples' property, including the Fields parking lot and the Club Center parking lot across McHenry Avenue.

It is grossly unfair and contrary to the "spirit and intent" of the regulations to permit this property owner to intensify the use of its property at the expense of its neighbors, while refusing or declining to invest in off-site property or multi-level parking to accommodate the resulting demand.

It is worthy of reiterating that the opposition to the variance came from parties which are generally in support of enhanced commercial development in Pikesville, specifically the Chamber of Commerce, the Department of Economic Development, the principal of Field's Pharmacy who has served as an officer of both the Chamber of Commerce and the Pikesville Community Growth Corporation, and Samuel Gorn, a commercial proprietor of a neighboring center. All have a significant interest in the health, viability and expansion of the Pikesville business community; and all felt that the proposed variance would be detrimental to that community. Both the Chamber of Commerce and the Department of Economic Development indicated that they would support a variance if efforts were made by the property owner to accommodate a portion of the unmet parking demand either on or

off-site. That is not proposed, however. The grant of the requested variance cannot be justified.

##### III. The Evidence Is Insufficient To Form The Basis For A Variance.

###### A. The Applicable Regulations Are The 1988 Regulations.

B.C.Z.R., Section 409.1 (1988) expressly provides that "all structures built and all uses established hereafter shall provide accessory off-street parking and loading in accordance with the following regulations..." La Poulet, The Fame School of Nail Design, Wally's Dance Studio, and Kenpo Karate are all new non-retail uses established since 1988, without authorization and in violation of applicable off-street parking regulations.

An exception is made for projects which have received CRG approval prior to the effective date of the regulations. There has been no CRG approval of the instant project or of any of the aforementioned uses, and therefore the exception does not apply. To the extent that any rights accrue to the owner by reason of uses established prior to the adoption of the current zoning regulations, they would depend upon the continuance of a legally existing non-conforming use. The petitioner has expressly declined to present a case based upon non-conforming use, and the facts indicate that there have been substantial changes in use since the original approval in the 1950's. Absent a non-conforming use, the law in effect upon the date of decision is the controlling law. Yorkdale Corp. v. Powell, 237 Md. 121 (1964).

###### B. Information Respecting Proposed And Existing Uses Is Insufficient To Support A Variance.

The 1988 regulations prescribe that for shopping centers, such as the subject, consisting of less than 100,000 sq. ft. of gross leasable area

the required number of spaces shall be calculated according to the particular types of tenants in the shopping center (i.e., each tenant shall be considered as a separate use).

Consistent with this approach, a variance must be based upon the demands of the individual tenants. The information provided with respect to both existing and proposed uses was inaccurate and incomplete, and therefore insufficient to make this determination.

The evidence shows that store no. 4, which is now vacant and proposed for "service" use, has been the subject of negotiation with the United States Post Office. The Post Office has been seeking to relocate its customer services from the existing Pikesville Station on Old Court Road and this is one location under consideration. The parking allocated to that space is 1 per 300 sq.ft., or twelve spaces. However, the current facility utilizes between twenty-five and thirty spaces and employs approximately eight people. Thus any variance which would permit this use with only twelve spaces would clearly be invalid.

In addition, the three school uses, Fame, Wally's Dance Studio, and Kenpo Karate, have been classified by the petitioner

as "service" and the parking requirement calculated at the rate of one space per 300 sq. ft. Petitioner's Exhibit 1. The regulations, however, require "one [space] per employee, plus visitor spaces and student parking as determined by the Zoning Commissioner" for business, trade or technical schools. The petitioner allocates only 4.95 spaces for the Fame School, 2.5 for Wally's Dance Studio and 13.33 for Kenpo Karate. As indicated, Fame apparently needs between 25 and 30 spaces. If the karate use is classified as an athletic club, the regulations require forty spaces. A variance based on petitioner's calculations is totally insupportable.

Without the requisite information, it is impossible to calculate precisely how distorted the statement of current parking requirements is, but the record fairly shows that it is very substantially understated. Further, in order to comply with the "spirit and intent" of the regulations, and to prevent future intensification of use without adequate parking, any variance must fairly describe the types of uses to which it applies, the square footage allocated to each type of use, and the parking spaces allocated to each type of use. No variance should be granted based on the inadequate and unreliable information provided.

#### CONCLUSION

For all of the foregoing reasons, the variance must be denied.

*Nancy E. Paige*  
Nancy E. Paige  
Gordon, Feinblatt, Rothman,  
Hoffberger & Hollander  
233 East Redwood Street  
Baltimore, Maryland 21202  
410/576-4294  
Attorneys for Fields Pharmacy, Inc.  
and Samuel M. Gorn, Protestants

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24<sup>th</sup> day of September, 1992, a copy of the foregoing Protestants Post Hearing Memorandum was mailed, first-class, postage prepaid, to Anthony DiPaula, Esquire, Covahey & Boozer, 614 Bosley Avenue, Towson, Maryland 21204.

*Nancy E. Paige*  
Nancy E. Paige



IN RE: PETITION FOR ZONING VARIANCE \*  
W/S Reisterstown Rd, 35' W c/l  
Reisterstown Rd & McHenry Ave \*  
1340-1404 Reisterstown Rd \*  
3rd Election District \*  
2nd Councilmanic District \*  
(Pikesville Shopping Center) \*  
Pikesville Partnership \*  
Petitioner \*

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 92-439-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as the Pikesville Shopping Center, located adjacent to Reisterstown Road within the core of the Pikesville commercial district. Within the Petition, the property owner seeks relief from Section 409.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a shopping center in a B.L.-C.T. zone with 217 parking spaces in lieu of the required 384 spaces. It is to be noted that the Petitioner avers that the applicable parking regulations are those which were in effect prior to 1988, rather than the current regulations.

The merits of the Petition were highly contested at the public hearing held for this case. Appearing on behalf of the Petitioner was James E. Matis, the Professional Engineer who prepared Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance. Theodore C. Julio, the General Partner of that entity known as the Pikesville Partnership, appeared, testified and was represented by Anthony J. DiPaola, Esquire. Pikesville Partnership is the owner of the subject property. Also appearing in support of the Petition was Peter J. Cimino, a barber who leases space within the shopping center.

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Date 11/6/92  
By M. H. Hark

Numerous witnesses appeared in opposition to the Petition. They included various employees/shop owners who currently lease space in the subject shopping center, including Madeline You of One Hour Drycleaners, Steve Zimmerman of Howard Luggage and Kimberly Thomas of the Shoemaker Market Store. Also appearing in opposition was Gabriel W. Rosenbush, Jr., of the Pikesville Chamber of Commerce, Samuel Gorn, a Real Estate Developer and owner of a nearby shopping center, and Jeffrey Levin of Fields Pharmacy, which is located immediately across Reisterstown Road from the subject site. Messrs. Gorn and Fields were represented by Nancy E. Paige, Esquire.

Prior to addressing the issues presented, a factual overview of the site and its history is appropriate. The property is zoned B.L.-C.T. and encompasses 4.17 gross acres and 3.498 net acres. It is improved by an L-shape building of approximately 80,000 sq. ft. which houses numerous retail, service and restaurant tenants. The site is also improved with two macadam parking lots, one in the front of the property and the other to the rear portion of the site. The property fronts Reisterstown Road and is adjacent to that roadway's intersection with McHenry Avenue. The site has been used in its present capacity as a shopping center for many years. Although the Petition before me did not seek determination of a nonconforming use, it is clear that the property has enjoyed its present use and the improvements thereon have existed for many years; perhaps as far back as 1954, prior to the adoption of the comprehensive zoning regulations by Baltimore County in 1955. Although there had been numerous internal renovations necessitated by the tenant turnover, it is clear that the exterior building envelope and parking lots have not been altered since the center was built. Recently, however, a new tenant, Poulet Chicken Restaurant moved into the shopping center. As a result of the neces-

ORDER RECEIVED FOR FILING  
Date 11/6/92  
By M. H. Hark

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sary permits and internal renovations to accommodate this use, a question about the adequacy of the provided parking was raised. After substantial discussions between the Petitioner and County, the subject Petition for Variance was filed.

The nature of the relief requested and issues raised, thereby, need be emphasized. As stated above, the issue of whether the site constitutes a nonconforming use is not before me. Only a parking variance to permit 217 spaces in lieu of the 384 required is requested.

A threshold issue raised by the Petitioner relates to which version of the parking regulations are applicable to this case. The Petition for Variance which has been filed requests relief from Section 409.2 of the B.C.Z.R. ". . . as in effect at the time of the original permit approval." Counsel for the Petitioner references several sections of the B.C.Z.R. in support of its claim that the current regulations are not applicable. Specifically, the Petitioner correctly notes that the current parking regulations were adopted in 1988, pursuant to Council Bill 26-88. The Petitioner further notes that current Section 409.1 generally provides that the regulations apply only to structures built and uses established after the effective date of the legislation. The existing structure was built well prior to 1988. The use of the property as a shopping center, notwithstanding the ever changing mix of tenants, has existed for many years. Further, the Petitioner cites Section 409.1.B and the language therein, which provides that any project having C.R.G. approval prior to the date of the adoption of the parking regulations (1988) may modify their plans to satisfy the regulations, or may proceed under the regulations in effect at the time of the said approval. Lastly, the Petitioner notes that the C.R.G. process did not exist at the time this shopping cen-

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Date 11/6/92  
By M. H. Hark

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ter was constructed in 1954. It has been Baltimore County's long standing position that if a project was approved prior to the adoption of the C.R.G. process, reference to the C.R.G. within the B.C.Z.R. shall be deemed to mean that approval process which was in effect at the time the project was constructed. Based upon the collective language of these sections and this policy, I am persuaded that the Petition should be considered under the regulations as they existed prior to 1988.

Further, it is significant to note that the variance requested seeks only relief from the specific numeric requirements enunciated by those prior regulations. Interestingly, the method for computing the number of spaces required was not appreciably changed by the 1988 legislation. Moreover, it is to be noted that those parking standards which relate to aisle layout, parking space dimension and the like, should be governed by the prior regulations.

The second issue to be resolved is the standard which must be employed in determining whether the variance should be granted. The Protestants point to the language within Section 409.12.B of the B.C.Z.R. That section provides, in essence, that requirements for parking or loading space prescribed by Section 409 can be varied if strict adherence to those requirements would create an undue hardship upon the Petitioner. The Protestants note that the "undue hardship burden" is well defined by case law in Maryland. See e.g. Anderson v. Board of Appeals, 22 Md. App. 28, 322 A2d 220 (1974). That case identifies two standards commonly applied to variance cases; namely, the practical difficulty test and the undue hardship test. As the Protestants correctly note, the undue hardship test presents a Petitioner with a more onerous burden. Due to the language of 409.12.B, the Protestants believe that this more strict stan-

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Date 11/6/92  
By M. H. Hark

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dard should be applied in this case. For its part, the Petitioner avers that Section 409.12.B is inapplicable because it requests relief from the pre-1988 regulations, which did not contain a section akin to Section 409.12.B.

In evaluating the question presented, consideration of all of the provisions of the B.C.Z.R. is required. Section 307 provides the standard to be used when considering any variance. That section provides that the Zoning Commissioner has the authority to grant variances if strict compliance with the terms of the B.C.Z.R. would result in practical difficulty or unreasonable hardship. The use of the disjunctive term "or", is to be noted. Case law developed from an interpretation of this regulation is clear that relief may be obtained by a showing of practical difficulty. See e.g. Loyola Loan Association v. Buschman, 227 Md. 243 (1961). Further, Section 307.1 specifically empowers the Zoning Commissioner, and the Board of Appeals on appeal, to grant variances from off-street parking regulations. Thus, this section appears to be in direct conflict with the language of Section 409.12.B.

To resolve this apparent conflict, a review of the application of Section 409.12.B, in prior cases, is instructive. Relief under that section has been applied for in, at least, two cases; namely, No. 92-38-SPHX and 92-264-SPH. In 92-38-SPHX, the matter came before the Zoning Commissioner as a Petition by the Grand Lodge of Ancient Free and Accepted Masons of Maryland for the well known Bonnie Blink property in Hunt Valley. Relief was requested, pursuant to Section 409.12.B, to enable required parking for the proposed use to be located beyond the special exception boundaries thereof. In case 92-264-SPH, filed by John Falkenstein for that property known as 1006 Back River Neck Road, relief was requested

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By M. H. Hark

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pursuant to Section 409.12.B to permit the proposed parking layout notwithstanding the relevant portions of the Chesapeake Bay Critical Area legislation. Based upon these applications and the language of the relevant portions of the B.C.Z.R. provided above, it is apparent that the drafters of the B.C.Z.R. intended Section 409.12.B to provide a catch-all for those instances when modification of proposed parking layouts were sought. That is, Section 409.12.B is applicable to those rare instances when strict adherence to the parking regulations is impermissible, due to certain site constraints or conflicting regulations. In those more common cases where a parking variance is sought as to numbers of spaces, Section 307.1 is controlling. Thus, there is no conflict between Sections 409.12.B and 307.1. Due to the nature of the relief requested, it is clear that the Petitioner must satisfy the practical difficulty burden, not prove undue hardship in the instant case. Further, the absence of language in the pre-1988 regulations akin to Section 409.12.B is significant, in that the Petitioner is proceeding under the older regulations.

Having addressed the applicable regulations and Petitioner's burden of proof, attention is now turned to the merits of the proposed variance. As to the facts presented on this issue, there was little dispute. As indicated above, the site is improved by two parking lots which total 217 spaces. The front lot adjacent to Reisterstown Road contains 98 spaces. The rear lot, which is adjacent to the lower level of the shopping center, will accommodate 119 spaces.

Testimony and evidence presented was overwhelming that the front lot is overburdened and an ongoing source of traffic congestion. Although the shopping center is two-tiered, much of the lower level is vacant. To the contrary, the upper level, adjacent to the front lot, is nearly filled

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By M. H. Hark

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with tenants. Additionally, many of these tenants, including Jonathan Poulet Rotisserie Restaurant, for example, are heavy traffic generators. Due to the natural desire of the shopping center's patrons to park near their intended destination and not traverse the steep sloped topography of the site which falls away towards the rear, it is apparent that the front lot is frequently overcrowded while the rear lot is under utilized. This was confirmed within the testimony of the witnesses, by photographs presented, and within comments submitted from the Office of Economic Development. In fact, during a site visit, I was unable to park in the front lot and spent an inordinately long time negotiating the traffic within same, until finding available parking in the rear lot.

As a solution to this problem, the Petitioner proposes that the granting of the variance be conditioned upon the imposition of certain improvements to the property. These include a repaving and striping of the rear lot; the installation of lighting on the rear lot; the creation of a passage-way from the rear lot thru the middle of the shopping center to make the front portion thereof more accessible to patrons parking in the rear; and the installation of an elevator in the rear of the building to facilitate the movement of patrons using the rear parking area to the businesses located in the front portion of the shopping center. The Petitioner avers that these improvements would significantly reduce the impact of the variance by directing traffic to the rear portion of the site, thereby lessening congestion on the front lot and utilizing the available space to the rear.

Although the Protestants support these steps, they argue that they do not go far enough. Rather, the Protestants propose that if the variance is granted, the property owner be required to construct a parking deck on

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the rear lot. This deck would result in an increased number of spaces available on the rear lot. In response to this suggestion, the Petitioner notes the great financial expense of such an undertaking, as well as the fact that, even with the proposed deck, sufficient numbers of spaces would not exist to eliminate the need for the variance. Secondly, the Protestants argue that the Petitioner be required to require offsite parking facilities within 1,000 ft. of the property, pursuant to Section 409.7.B of the B.C.Z.R. In response to this proposal, the Petitioner indicated that same is not acceptable due to the congested parking situation in the entire Pikesville core center, the financial expense in acquiring such space, and the character of downtown Pikesville which promotes one stop parking with foot traffic from business to business.

The law regarding variances is well settled, as noted above. A variance may be granted where strict application of the subject zoning regulation would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, supra

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Date 11/6/92  
By M. H. Hark

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In considering all of the evidence and testimony presented in light of this standard, I am persuaded that the variance should be granted. My decision in this respect largely hinges upon the existing improvements and site constraints unique to this property. I believe that it is of note that the Petitioner acquired this property only several years ago and that there has been no additions to the building footprint which houses the shopping center stores. As the testimony reflected, this center has been unchanged in size and configuration since the early 1950s. Additionally, although internal uses have changed with tenant turnover, the use of the subject property has been the same for nearly 40 years. That use is best identified as a shopping center and, although the individual businesses may have changed, the general use of the property has not.

Notwithstanding my decision to grant the variance requested, I feel compelled to make some attempt to alleviate the parking congestion. This attempt will be made by way of the imposition of certain restrictions to the granting of the variance. Specifically, I will require the Petitioner to expeditiously complete all those improvements suggested by him which I concur will promote utilization of the rear lot and ease the front lot congestion. I will not, however, require compliance with the Protestants' recommendations. Although the installation of a parking deck would provide more spaces, it is not cost effective. In my view the meager benefits of constructing any such deck are not justified. Additionally, I will not require the Petitioner to acquire offsite property to accommodate additional parking. My decision, in this respect, is based in large part on the character of the Pikesville commercial community. Clearly, this section of downtown Pikesville is comprised of numerous businesses within close proximity of one another. There is no doubt that patrons of the

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locale park and shop at one store, then walk to the other businesses in the vicinity. Requiring the Petitioner to obtain other property within 1,000 ft. would not alleviate the congestion on this site. Frankly, it is doubtful whether the patrons of this center would utilize such space, even if acquired by the Petitioner.

Additionally, I will impose other restrictions which I believe are appropriate to the granting of the variance, to help eliminate traffic congestion on the property.

First, there was certain testimony about the proposed lease of space at the subject site for use by the United States Post Office. A post office use on this site, with its high volume of traffic, would greatly exacerbate a difficult situation. In that the testimony was that there has been no lease entered as of yet, I will prohibit the Petitioner from leasing space on this site to the United States Post Office. This will not require the Petitioner to break any leases and shall be a condition attached to the granting of the variance.

Secondly, it is clear that much of the congestion in the front lot is attributable to motorists who park their vehicles on that lot for long periods of time. Many of the businesses in the front level of the shopping center should provide quick turnover of customers. For example, the proposed Rite Aid, the drycleaners and the other retail outlets can expect their customers to be in and out quickly. These patrons are entitled to priority in the front lot. Employees of the various stores, students at the dance studio, the nail salon, and karate school should not utilize the front lot. For their extended visits to the center, they should park on the rear lot. Thus, to encourage this utilization, I will require the Petitioner to post and enforce a 30 minute time limit for all vehicles

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parking on the front lot. The rear lot will not be so limited. This restriction, it is hoped, will result in longer term parking in the rear lot, thereby making the front lot available to short term patrons. In preparing this restriction, I am aware of the potential effect on the Poulet restaurant use. In my view, this is the only current tenant within the front portion of the center which could be adversely affected. However, during the site visit, I dined at Poulet and observed the patronage. There was a great amount of walk-up business and the food is served cafeteria style; so that one can easily finish their meal at this restaurant within 30 minutes. If the patrons desire a more leisurely meal, they can park on the lower lot.

Lastly, it is to be noted that the granting of any Petition entails approval of the site plan which is submitted therewith. In this case, that plan is marked as Petitioner's Exhibit No. 1. In addition to a physical depiction of the subject site, that site plan contains a parking tabulation. My order shall be conditioned so that if a change in tenants result in a tabulation of required parking spaces greater than 384, then an amendment to the variance and site plan, with the required public hearing, shall be necessary.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of February, 1992 that a variance from Section 409.2 (current section 409.6) of the B.C.Z.R. to allow a shopping center in a B.L.-C.T. zone with 217 parking spaces, in lieu of the required 384

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spaces, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The variance is granted in accordance with Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance. This plat contains a schedule of uses for the subject site. In the event the Petitioner alters those uses and/or the tenant mix, so as to result in a total number of spaces required greater than 384, then the permission granted under this Petition for Variance shall be deemed to be forfeited unless the Petitioner has first sought and received an amendment of the plan through the public hearing process.
3. Notwithstanding any change of use as set forth in restriction No. 2 above, this variance is further restricted so as to prohibit the United States Post Office from entering into any lease agreement to become a tenant at the subject property.
4. The Petitioner shall post and strictly enforce a notice prohibiting any vehicular parking on the front parking lot, as heretofore described, for more than 30 minutes. The lower lot to the rear of the property shall not be so restricted.
5. The Petitioner shall cause the rear parking lot to be repaved and restriped so that same is in compliance with the applicable provisions of the B.C.Z.R.
6. The Petitioner shall install lighting on the rear lot to encourage use of same by patrons during the evening hours. Any lighting so installed, shall be directed towards the lot only and away from nearby properties.
7. The Petitioner shall create a passage-way from the rear lot through the shopping center structure to provide access to the front portion of the shopping center.

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ORDER RECEIVED FOR FILING  
Date 11/6/92  
By Jm. G. G. G.

8. The Petitioner shall install an elevator in the rear of the shopping center building to facilitate the movement of patrons between the rear parking area and the front portion of the shopping center.
9. The improvements listed within restriction numbers 4 thru 9 shall be completed within six (6) months from the date hereof.

10. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

LES/mm

ORDER RECEIVED FOR FILING  
Date 11/6/92  
By Jm. G. G. G.

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

November 5, 1992

Anthony J. DiPaula, Esquire  
Covahey and Booser  
614 Bosley Avenue  
Towson, Maryland 21204

Nancy E. Paige, Esquire  
233 E. Redwood Street  
Baltimore, Maryland 21202

RE: Case No. 92-439-A  
Petition for Variance  
Pikesville Partnership, Petitioner

Dear Mr. DiPaula and Ms. Paige:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
att.

cc: Mr. James E. Matis  
Mr. Theodore C. Julio  
Mr. Madeline You  
Ms. Kimberly Thomas  
Mr. Stephen Zimmerman  
Mr. Gabriel W. Rosenbush, Jr.



## Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2 of the BCZR (as in effect at time of original permit approval) to allow a shopping center in a B.L.-C.T. zone with 217 parking spaces in lieu of 380 spaces as required, pursuant to current Section 409.1.B

The undersigned, legal owner(s) of the property situate in Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)  
The center was constructed in the early 1950's after adoption of formal zoning regulations but prior to comprehensive regulations regarding parking and is thus existing as it has been for nearly 40 years. Petitioner cannot demolish or abandon a portion of the center to meet current requirements, and seeks only permission to have what has lawfully existed. The variance became necessary in conjunction with permits obtained by a tenant making some improvements, and by petitioner improving property to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Anthony J. DiPaula, Covahey & Booser

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.: 828-9441

\*the existing improvements without any additions to square footage or useable space.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Pikesville Partnership

(Type or Print Name)

Signature

Address

City and State

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

(above)

Name

Address

City and State

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING - 1/2HR.

AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER

REVIEWED BY: LG DATE 4.30.92

THIS DESCRIPTION IS INTENDED FOR ZONING PURPOSES ONLY AND IS NOT FOR USE IN CONVEYANCE OF LAND.





**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 2nd Date of Posting: May 28, 1992  
Posted for: Variance  
Petitioner: Pikesville Partnership  
Location of property: W/S of Reisterstown Road, 35' ± W of  
the E/S of Reisterstown Road, State Route 140 & McHenry Avenue  
Location of Sign: West side of Reisterstown Road in front  
of subject property  
Remarks: \_\_\_\_\_  
Posted by: L. J. DiPaola Date of return: May 29, 1992  
Number of Signs: 1

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 2nd Date of Posting: 8-4-92  
Posted for: Variance  
Petitioner: Pikesville Partnership  
Location of property: W/S of Reisterstown Road, 35' ± W of  
Reisterstown Road, State Route 140 and McHenry Avenue  
Location of Sign: Pikesville Shopping Center, 1340 Reisterstown Road  
West side of Reisterstown Road in front of subject property  
Remarks: \_\_\_\_\_  
Posted by: L. J. DiPaola Date of return: 8-7-92  
Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., May 28, 1992  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 28, 1992

THE JEFFERSONIAN,

S. Zake Orlean  
Publisher

\$ 44.73

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date: 5/13/92 Account: R-001-6150  
PAID PER TYPED RECEIPT DATED 5/11/92  
H9200472  
PUBLIC HEARING FEES QTY PRICE  
020 - ZONING VARIANCE (OTHER) 1 X \$250.00  
TOTAL: \$250.00  
LAST NAME OF OWNER: PIKESVILLE PART

Cashier Validation

Please Make Checks Payable To: Baltimore County

Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date: 12/7/92 Account: R-001-6150  
APPEAL OF VARIANCE (#140) \$175.00  
#92-439-A  
ANTHONY J. DiPAULA

Please Make Checks Payable To: Baltimore County

Cashier Validation

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., June 18, 1992  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 18, 1992

THE JEFFERSONIAN,

S. Zake Orlean  
Publisher

63.16

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date: 5/11/92 Account: R-001-6150  
Commercial Variance (#020) \$250.00  
Legal Owner: Pikesville Partnership  
Pikesville Shopping Center - #1340-#1404 Reisterstown Road  
W/S Reisterstown Road, 35' ± W from centerline  
Intersection of Reisterstown Road, State Route  
140 and McHenry Avenue  
3rd Election District  
2nd Councilmanic District

Cashier Validation

04A04#0102MICHRC \$250.00  
BA C011:05A005-12-92  
Please Make Checks Payable To: Baltimore County

Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date: 12/7/92 Account: R-001-6150  
APPEAL OF VARIANCE (#140) \$175.00  
#92-439-A  
ANTHONY J. DiPAULA

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 887-3353

DATE: 6/8/92

Pikesville Partnership  
10 Pikes Avenue  
Cockeysville, Maryland 21030

RE:  
CASE NUMBER: 92-439-A  
W/S Reisterstown Road, 35' (±) W of c/l Reisterstown Road, State Route 140, and McHenry Avenue  
1340 - 1404 Reisterstown Road - Pikesville Shopping Center  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Pikesville Partnership

Dear Petitioner(s):  
Please be advised that \$ 79.73 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.  
Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl J. Jahn  
DIRECTOR

cc: Anthony J. DiPaola, Esq.

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date: 7/24/92 Account: R-001-6150  
PUBLIC HEARING FEES QTY PRICE  
060 - POSTING SIGNS / ADVERTISING 1 X \$63.16  
TOTAL: \$63.16  
LAST NAME OF OWNER: PIKESVILLE PART

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date: 7/24/92 Account: R-001-6150  
PUBLIC HEARING FEES QTY PRICE  
060 - POSTING SIGNS / ADVERTISING 1 X \$63.16  
TOTAL: \$63.16  
LAST NAME OF OWNER: PIKESVILLE PART

Cashier Validation

04A04#0101MICHRC \$63.16  
BA C011:14A007-24-92  
Please Make Checks Payable To: Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

DATE: 7-10-92

Pikesville Partnership  
c/o Anthony J. DiPaola, Esq.  
614 Bowley Avenue  
Towson, Maryland 21204

RE:  
Case Number: 92-439-A (Item 472)  
W/S Reisterstown Road, 35' W of c/l Reisterstown Road, State Route 140 and McHenry Avenue  
1340 - 1404 Reisterstown Road - Pikesville Shopping Center  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Pikesville Partnership  
HEARING: JULY 24, 1992 at 9:00 a.m. in Rm. 106, Office Building\*

Dear Petitioner(s):

Please be advised that \$ 63.16 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl J. Jahn  
DIRECTOR

ANNOUNCED JAHN

\*This hearing date assigned due to your postponement request. These charges are from advertising costs related to same. As you are aware, the case has once again been postponed due to the request of Petitioner's attorney. Your client will not be billed for advertising or posting associated with the new date.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 887-3353

May 19, 1992

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-439-A  
W/S Reisterstown Road, 35' (±) W of c/l Reisterstown Road, State Route 140, and McHenry Avenue  
1340 - 1404 Reisterstown Road - Pikesville Shopping Center  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Pikesville Partnership  
HEARING: THURSDAY, JUNE 23, 1992 at 9:30 a.m.

Variance to allow a shopping center with 217 parking spaces (as in effect at time of original permit approval) in lieu of 380 spaces as required.

Lawrence E. Schmidt  
Zoning Commissioner of  
Baltimore County

cc: Pikesville Partnership  
Anthony J. DiPaola, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

JULY 10, 1992

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-439-A  
LEGAL OWNER: Pikesville Partnership  
LOCATION: 1340-1404 Reisterstown Road (Pikesville Shop Ctr)

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

TUESDAY, AUGUST 25, 1992 at 9:00 a.m.

IN THE BALTIMORE COUNTY ROOM 118, COURTHOUSE, 400 WASHINGTON AVENUE,  
TOWSON, MARYLAND 21204.

*Laurence E. Schlot*  
Laurence E. Schlot

ZONING COMMISSIONER  
BALTIMORE COUNTY

cc: Pikesville Partnership  
Anthony J. DiPaula, Esq.  
Nancy E. Paige, Esq.  
Pikesville Chamber of Commerce



Anthony J. DiPaula, Esquire  
614 Bosley Avenue  
Towson, MD 21204

RE: Item No. 472, Case No. 92-439-A  
Petitioner: Pikesville Partnership  
Petition for Variance

Dear Mr. DiPaula:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



Your petition has been received and accepted for filing this  
6th day of May, 1992

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:

*W. Carl Richards Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Pikesville Partnership, et al  
Petitioner's Attorney: Anthony J. DiPaula



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 26, 1992  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

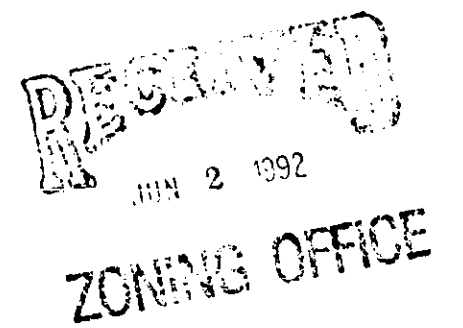
RE: Zoning Advisory Committee Meeting  
for May 25, 1992  
Item 472

The Developers Engineering Division has reviewed the subject zoning item and we offer the following landscape comments:

If the variance is granted, the entire site should be required to comply with the landscape manual to the extent possible.

*Robert W. Bowling DAK*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:DAK:s



BALTIMORE COUNTY, MARYLAND  
OFFICE OF PLANNING AND ZONING  
New Courts Bldg - 401 Bosley Avenue, Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director  
Zoning Administration & Development Management

FROM: Office of Planning and Zoning

DATE: May 20, 1992

SUBJECT: Pikesville Shopping Center

INFORMATION:  
Item Number: 472  
Petitioner: Pikesville Partnership

Property Size: 4.17 acres

Zoning: BL-CT

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:  
The petitioner is requesting a variance to allow a shopping center in a BL-CT zone with 217 parking spaces in lieu of 380 spaces as required.

The Office of Planning and Zoning recommends APPROVAL of the petitioners request.

The Pikesville Shopping Center is a key component of the Pikesville Revitalization Plan. It has existed with its current retail capacity and parking for 40 years.

This Office is committed to increasing Pikesville's ability to retain and attract new business, and to improve the physical appearance of the business district.

ZAC Comments  
The Pikesville Shopping Center is identified as an "Opportunity Area" in the Pikesville Revitalization Plan. The Center contains one of the Pikesville areas' largest mass of built retail space; and, was mostly vacant to marginal in 1989.

A visual Analysis of Reisterstown Road (in Pikesville) categorized it in 3 distinct segments: the Urban Convenience Area; the Urban Village, and the Urban Boulevard. The Pikesville Shopping Center is located in the Urban Village Area. The Plan suggest that the Urban Village area could be largely pedestrian oriented. While the other areas were more conducive to the automobile.

In summary, given the Pikesville Shopping Center's proximity to public off-street parking (Revenue Authority Parking Lot), employment centers such as the State Police Headquarters, institutional uses such as the Library and Senior Center, and planned elderly housing, this Office supports the requested parking variance.

Prepared by:

Division Chief: *Erin M. Daniel*

FM/EMD:rdn

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: May 22, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

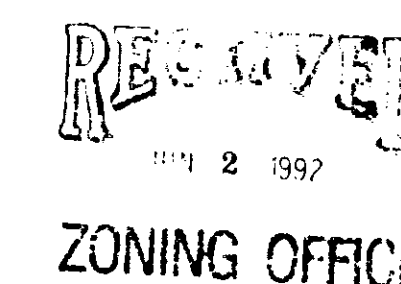
Z.A.C. MEETING DATE: May 18, 1992

ITEM NUMBER: 472

It appears that some additional parking spaces can be added to the parking lot in the rear of the building.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF/dm



6379.92  
92-439-A 6-23  
BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director DATE: June 10, 1992  
Zoning Administration and  
Development Management

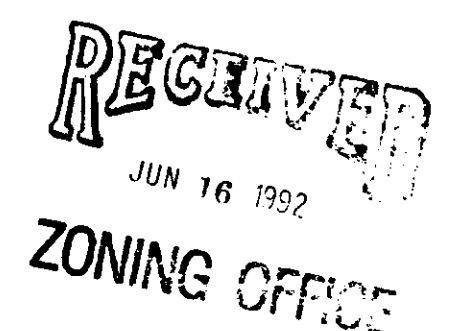
FROM: Mr. J. Lawrence Pilon *JLP/lms*  
Development Coordinator, DEPRM

SUBJECT: Zoning Item 472  
#1340-1404 Reisterstown Road  
Zoning Advisory Committee Meeting of May 18, 1992

Redevelopment of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

LJP:sp

JABLON/S/TXTS8P





Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: PIKESVILLE PARTNERSHIP

Location: #1340-1404 REISTERSTOWN ROAD

Item No.: +472 (WCR) Zoning Agenda: MAY 18, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Jerry G. Giff Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

RECEIVED  
MAY 26 1992  
ZONING OFFICE

Department of ~~Development and Planning~~  
Development Review Committee Response Form  
Authorized Signature WCR Date 6/1/92

| File Number                          | Waiver Number | Zoning Issue | Meeting Date |
|--------------------------------------|---------------|--------------|--------------|
| ✓ Philip And Carol Faulkenklous      | 461           | No Comments  | 5-18-92      |
| ✓ August J. And Elsie W. Seifert     | 464           | No Comments  |              |
| ✓ Francis D. And Suzanne L. Sovie    | 465           | No Comments  |              |
| ✓ Robert N. And Joan M. Greene       | 466           | No Comments  |              |
| ✓ Joseph P. And Gloria G. Connor     | 467           | No Comments  |              |
| ✓ Kilmarck Associates                | 468           | No Comments  |              |
| ✓ Automaster, Inc.                   | 469           | No Comments  |              |
| ✓ Douglas And Mary Holschneider      | 470           | No Comments  |              |
| ✓ Reisterstown Bible Church          | 471           | No Comments  |              |
| ✓ Pikesville Partnership             | 472           | No Comments  |              |
| ✓ Baltimore Gas And Electric Company | 475           | No Comments  |              |
| ✓ Charles R. Carroll                 | 476           | No Comments  |              |

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

December 17, 1992

Baltimore County Board of Appeals  
Old Courthouse, Room 49  
400 Washington Avenue  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
W/S Reisterstown Rd, 35' W c/l  
Reisterstown Road & McHenry Avenue  
(1340-1404 Reisterstown Road)  
3rd Election District, 2nd Councilmanic District  
PIKESVILLE PARTNERSHIP-Petitioner  
Case No. 92-439-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on December 7, 1992 by Anthony J. DiPaula. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Arnold Jablon  
Arnold Jablon - Director  
Zoning Administration and  
Development Management

Enclosures

cc: Mr. James E. Matis, Professional Engineer, 411 Dunkirk Rd,  
Baltimore, MD 21212

Mr. Theodore C. Julio, Pikesville Partnership  
9640 Deercro Road, Baltimore, MD 21093

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Baltimore County Board of Appeals  
December 17, 1992  
Page 2

Mr. Gabriel W. Rosenbush, Jr., Pikesville Chamber of Commerce  
P.O. Box 32122, Pikesville, MD 21208

Nancy Paige, Esquire, 233 E. Redwood Street, Balto., MD 21202

People's Counsel of Baltimore County  
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

File

#### APPEAL

Petition for Zoning Variance  
W/S Reisterstown Rd, 35' W c/l  
Reisterstown Road & McHenry Ave  
1340-1404 Reisterstown Rd  
3rd Election District - 2nd Councilmanic District  
Pikesville Partnership-PETITIONER  
Case No. 92-439-A

Petition(s) for Zoning Variance  
Description of Property  
Certificate of Posting  
Certificate of Publication  
Entry of Appearance of People's Counsel  
Zoning Plans Advisory Committee Comments  
Director of Planning & Zoning Comments (Included with ZAC Comments)  
Petitioner(s) and Protester(s) Sign-In Sheets

Petitioner's Exhibits:

1. plat to accompany Petition
2. Parking Study
3. & 4. Photographs of site
5. Parking Tabulation 1974
6. Permits & Licenses Letter
7. & 8. Photographs of site

Protestant's Exhibits:

1. U.S. Postal Service Letter
2. Pikesville Chamber of Commerce Letter
3. Photographs of the site.
4. No Exhibit marked #4
5. Cunningham & Associates Letter
6. No Exhibit marked #6
7. No Exhibit marked #7
8. ZAC Comment Booklet
9. Pikesville Parking Study  
Reisterstown Road Corridor

Zoning Commissioner's Order dated November 6, 1992 (GRANTED)

Notice of Appeal received on December 7, 1992 from  
Anthony J. DiPaula

cc: Mr. James E. Matis, Professional Engineer, 411 Dunkirk Rd,  
Baltimore, MD 21212  
Mr. Theodore C. Julio, Pikesville Partnership, 9640 Deercro Rd,  
Baltimore, MD 21093  
Mr. Gabriel W. Rosenbush, Jr., Pikesville Chamber of Commerce,  
P.O. Box 32122, Pikesville, MD 21208  
Nancy Paige, Esquire, 233 E. Redwood Street, Balto., MD 21202  
People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning  
Patrick Keller, Office of Planning & Zoning  
Lawrence E. Schmidt, Zoning Commissioner  
Timothy M. Kotroco, Deputy Zoning Commissioner  
W. Carl Richards, Jr., Zoning Coordinator  
Docket Clerk  
Arnold Jablon, Director of ZADM  
Public Services

1/15/93 - Following parties notified of hearing set for June 9,  
1993 at 10:00 a.m.:

Anthony J. DiPaula, Esquire  
Mr. Theodore C. Julio  
Pikesville Partnership  
Mr. James E. Matis  
Mr. Gabriel W. Rosenbush, Jr.  
Nancy Paige, Esquire  
People's Counsel for Baltimore County  
Public Services  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon

3/18/93 -Letter dtd 3/17/93 from Anthony DiPaula, Esquire -withdrawing appeal on  
behalf of Petitioner/Appellant; requesting dismissal.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

June 29, 1992

Anthony J. DiPaula, Esquire  
Covahey & Boozer, P.A.  
614 Bosley Avenue  
Towson, MD 21204

RE: Preliminary Petition Review (Item #472)  
Case #92-439-A  
Legal Owner: Pikesville Partnership  
Pikesville Shopping Center  
3rd Election District

Dear Mr. DiPaula:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning issues/filing requirements would be addressed. Subsequent review by the staff has not revealed any unaddressed zoning issues and the petition has been accepted for filing.

The following comments are a result of an analysis of the petitioner's site plan and zoning records, which reveal statistics that have not been explicitly stated on the plan. This may be helpful in explaining the scope of the requested parking variance:

1. Parking provided on the plan - front lot 98 spaces, rear lot 119 spaces; 217 total.
2. Lower level uses require 126.4 spaces, front street level uses 240.12 spaces required, 2nd floor 13.33 spaces required; total 379.85 (380) required spaces.
3. Tenant space #19 - Poulets Chicken Restaurant is the tenant space that received the provisional building permit approval.
4. The site plan submitted for zoning case #3258-S in 1954 granted a sign variance for Food Fair. It showed front lot 108, back lot 167; total 275 spaces.

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Anthony J. DiPaula, Esquire  
June 29, 1992  
Page 2

5. The circulation pattern has been redesigned since 1954, which eliminated some spaces in that plan.

6. The reduction of parking from the 1954 plan on file is from 275-217 = 58 spaces plus 48 spaces for increase to restaurant = 106 spaces. The variance requests a difference of 163 spaces in order to bring the total site up to standard to meet current parking requirements.

Since tenant names are not part of the parking tabulation chart shown on the plan, it is advised that the applicant be prepared with this additional information prior to any future permit approvals.

Concurrent with the variance request, the applicant has been granted building permits for exterior parking lot and facade improvements. This project represents a major contribution to improving the Pikesville commercial shopping district.

If you need further information or have any questions, please do not hesitate to contact Laurence Goetz at 887-3391.

Very truly yours,

WCR  
W. Carl Richards, Jr.  
Zoning Coordinator

By: Laurence J. Goetz  
Planner I

LJG:scj





**COVAHEY & BOOZER, P. A.**

ATTORNEYS AT LAW  
614 BOSLEY AVENUE  
TOWSON, MARYLAND 21204  
AREA CODE 410  
828-9441

EDWARD C. COVAHEY, JR.  
F. VERNON BOOZER  
MARK S. DEVAN  
ANTHONY J. DIPAULA  
THOMAS P. DORE

FAX 410-823-7530

ANNEX OFFICE  
SUITE 101  
608 BALTIMORE AVE.  
TOWSON, MD. 21204

December 7, 1992

**HAND DELIVERED**

Office of Zoning  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: CASE NO.: 92-439-A  
PIKESVILLE PARTNERSHIP, PETITIONER  
1340-1404 REISTERSTOWN ROAD  
PIKESVILLE SHOPPING CENTER

Gentlemen:

On behalf of the above-named Petitioner, please enter an appeal to the County Board of Appeals from the Order dated November 6, 1992 to the extent it prohibits the United States Post Office from becoming a tenant at the subject property. Enclosed is the appeal fee of \$175.00.

Very truly yours,

Anthony J. DiPaula

AJD/ds  
12 ds.17  
enclosure

cc: Nancy Paige, Esquire



**ZONING OFFICE**

**COVAHEY & BOOZER, P. A.**

ATTORNEYS AT LAW  
614 BOSLEY AVENUE  
TOWSON, MARYLAND 21204  
AREA CODE 410  
828-9441

EDWARD C. COVAHEY, JR.  
F. VERNON BOOZER  
MARK S. DEVAN  
ANTHONY J. DIPAULA  
THOMAS P. DORE  
ROGER J. SULLIVAN

FAX 410-823-7530

ANNEX OFFICE  
SUITE 101  
608 BALTIMORE AVE.  
TOWSON, MD. 21204

March 17, 1993

County Board of Appeals  
of Baltimore County  
Old Courthouse, Room 49  
400 Washington Avenue  
Towson, Maryland 21204

RE: CASE NO.: 92-439-A  
PIKESVILLE PARTNERSHIP  
W/S REISTERSTOWN ROAD, 35' W  
C/L REISTERSTOWN ROAD AND MCHENRY AVENUE  
1340 - 1404 REISTERSTOWN ROAD  
(PIKESVILLE SHOPPING CENTER)  
3RD ELECTION DISTRICT  
2ND COUNCILMANIC DISTRICT  
HEARING DATE: WEDNESDAY, JUNE 9, 1993 AT 10:00 A.M.

Dear Board:

On behalf of the Petitioner in the above referenced, please dismiss the Appeal filed on December 7, 1992 from the Order granting the parking variance with certain restrictions, thereby allowing the original Order of November 6, 1992 to remain in place. This dismissal of the Appeal is at the request of the Petitioner/Appellant.

Thank you for your attention to this matter.

Very truly yours,

Anthony J. DiPaula

AJD/ds  
3 ds.86

cc: Pikesville Partnership  
James E. Matis  
Gabriel W. Rosenbush, Jr.  
Nancy Paige, Esquire  
People's Counsel for Baltimore County

**COVAHEY & BOOZER, P. A.**

ATTORNEYS AT LAW  
614 BOSLEY AVENUE  
TOWSON, MARYLAND 21204  
AREA CODE 410  
828-9441

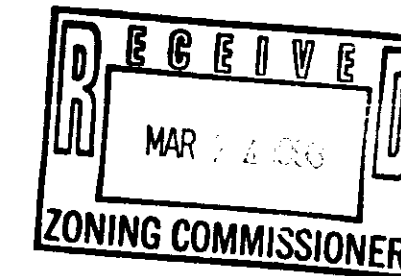
EDWARD C. COVAHEY, JR.  
F. VERNON BOOZER  
MARK S. DEVAN  
ANTHONY J. DIPAULA  
THOMAS P. DORE  
ROGER J. SULLIVAN

FAX 410-823-7530

ANNEX OFFICE  
SUITE 101  
608 BALTIMORE AVE.  
TOWSON, MD. 21204

March 23, 1993

Lawrence E. Schmidt  
Zoning Commissioner  
for Baltimore County  
Suite 113, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204



RE: CASE NO.: 92-439-A  
PETITION FOR ZONING VARIANCE  
1340-1404 REISTERSTOWN ROAD  
PIKESVILLE SHOPPING CENTER  
PIKESVILLE PARTNERSHIP

Dear Mr. Schmidt:

You may recall that on November 6, 1992, you granted a parking variance in the above case, subject to ten (10) specifically enumerated conditions. Some of the conditions involved the installation of certain improvements to the shopping center including but not limited to paving and striping of the parking lot, installation of better lighting on the rear parking lot, and most importantly, the Petitioner was to install an elevator in the rear of the shopping center. Pursuant to Restriction No. 9, these various improvements "shall be completed within six months from the date hereof", the date of your Order being November 6, 1992.

As you are also undoubtedly aware, one of the other restrictions relating to a lease with the United States Postal Service resulted in the filing of a separate case (Case No. 93-209-SPH) wherein a special hearing was held to remove that restriction relating to the Postal Service lease. The restriction was in fact removed by Order dated February 12, 1993 issued by Deputy Commissioner Timothy Kotroco. I have just learned that for reasons of prudence, the Petitioner moved very cautiously with respect to the improvements required by your earlier Order until the Postal Service issue was resolved. As a matter of fact, until recently, your decision was the subject of an appeal to the Board of Appeals which was scheduled to be heard on June 9, 1993 but has since been



July 28, 1992

Mr. Lawrence C. Schmidt  
Zoning Commissioner  
Baltimore County, Maryland  
111 West Chesapeake Avenue  
Towson, MD 21204

RE: Case No. 92-439A  
Owner: Pikesville Partnership  
Location: 1340 - 1404 Reisterstown Road  
Pikesville Shopping Center

Dear Sir:

The Pikesville Chamber of Commerce through their zoning committee has carefully reviewed the request for a parking variance of 163 spaces submitted by the owner of the above-referenced property.

The Chamber of Commerce is highly cognizant of the need to fill vacant retail space in the business community, and particularly the property in question; however, the Chamber must carefully weigh the needs of the applicant against the rights and concerns of neighborhood businesses that will suffer as a result of a poor decision.

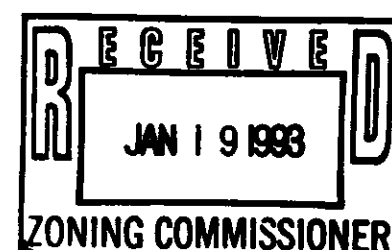
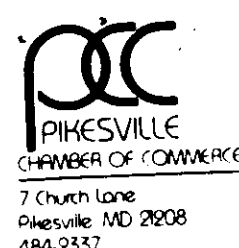
The Chamber of Commerce conducted its own study of the present parking situation on the applicant's property. Our study was done on a business day - not a Saturday or Sunday. We found the front lot of the property full with several cars circling for spaces to park. The rear lot had many spaces available. This pattern was observed on several occasions. Because of the inaccessibility of the rear lot and the difficult walk necessary to the front, there remains an underutilization of the rear lot.

The property owner presently leases ten spaces on the rear to a bank for employees parking. The owner also allows use by the Maryland State Police for full-day parking on the rear lot.

The discontinued use by the bank and the State Police will create the need for other parking spaces in the business district.

The parking study submitted to the Chamber by the owners, prepared by Lee Cunningham & Associates, Inc., was done on a Saturday, therefore, it does not reflect the situation on a normal business day (Monday through Friday). Many of the businesses located in Club Center are closed on Saturday. We find this study to be invalid for the purpose stated in the report.

The Chamber of Commerce reviewed the petition of various tenants presently leasing in the captioned property and support their concerns that present parking is not adequate for the space now leased. The requested variance would substantially add to the already now parking shortage.



January 17, 1993

Mr. Lawrence E. Schmidt  
Zoning Commissioner  
Suite 113, Courthouse  
400 Washington Ave.  
Towson, Md. 21204

Re: Case: 92- 439 A  
Pikesville Partnership

Dear Mr. Schmidt:

This is to advise that the Zoning Committee of the Pikesville Chamber of Commerce has met and has been in communication with Ted Julio of the Pikesville Partnership, owners of the Pikesville Shopping Center.

We have received a copy of the plat of this shopping center which was revised on January 14, 1993.

Our position on this matter was affirmed in our letter to your office dated July 28, 1992. At this time we still hold to the various covenants outlined in that letter, a copy of which is attached.

However, we accept the new parking calculations as amended on January 14, 1993. Further, it has been agreed to by Mr. Ted Julio and our committee that all space currently defined on the plat as storage shall forever remain in that category. In the event that additional parking for this center is created then, said storage area could be converted to any use which would be allowed and meet the applicable zoning and parking regulations.

It is requested that this additional covenant be included in your zoning order. In that event the Pikesville Chamber of Commerce would support the position of the petitioner.

Very truly yours,

Gabriel W. Rosenbush Jr.  
Chairman of Zoning  
Committee

gwr/asf  
cc: Ted Julio  
Sid Friedman, Pres. PCC

THE LAW OFFICES OF  
GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER  
THE GARRETT BUILDING  
233 E. REDWOOD STREET  
BALTIMORE, MD. 21202-3332

301-576-4000  
Telex 908041 BAL  
Fax 301-576-4246

NANCY E. PAIGE  
301-576-4294

June 12, 1992

Arnold Jablon, Director  
Zoning Administration and  
Development Management  
County Office Building, Room 109  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case No. 92-439-A

Dear Mr. Jablon:

I have been retained to represent Fields Pharmacy which will appear as a protestant in the referenced variance case. This case was initially scheduled for June 23, 1992 and has recently been postponed to July 24, 1992. I will be out of the country from July 23 through August 3, and, therefore, would request that it be rescheduled. I would be happy to agree to an earlier date in June or July if one were available or a date in August or thereafter.

Thank you for your consideration.

Very truly yours,

Nancy E. Paige

NEP/tmc

cc: Mr. Jeffrey Levin  
Fields Pharmacy

jablon.ltr



RONALD L. MAHER  
J. CARROLL HOLZER  
CARLOS DEMILIO  
THOMAS J. LEE

LAW OFFICES  
HOLZER, MAHER, DEMILIO & LEE  
305 W. CHESAPEAKE AVENUE  
SUITE 101  
TOWSON, MARYLAND 21204  
(410) 823-6960  
FAX (410) 823-6964

CARROLL COUNTY OFFICE  
1315 LIBERTY ROAD  
ELDERSBURG, MARYLAND 21774  
(410) 799-8556  
FAX (410) 799-5535

SUITE 700  
1725 DOWLES STREET, N.W.  
WASHINGTON, D.C. 20036

February 12, 1993  
#6650

Mr. Timothy Kotroco  
Deputy Zoning Commissioner  
for Baltimore County  
Old Courthouse  
Towson, Maryland 21204

RE: Case No.: 92-454-XA

Dear Mr. Kotroco:

I received your Order dated February 5, 1993 reinstating the above captioned case. I would appreciate being notified well in advance of any hearing date as to the final recommendations and opinion of DEPRM as it relates to this issue since that is the report that we were waiting on in the first place prior to your Dismissal on December 3, 1992 of this matter.

After we have received the DEPRM report, I would appreciate being contacted before this matter is set in for a hearing in view of my calendar.

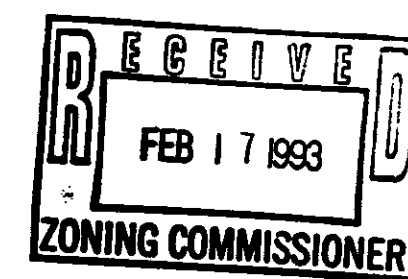
Thank you.

Very truly yours,  
J. Carroll Holzer

JCH:mlg

Enclosure

cc: Norman R. Stone, Esquire  
Mr. & Mrs. Joseph Sullivan



**DOVER ELEVATORS**  
DOVER ELEVATOR COMPANY  
6114 Hammond Ferry Rd.  
Linthicum, MD 21090-1310  
(410) 788-8780  
FAX: (410) 788-1518

March 15, 1993

SENT VIA FAX 410-561-8100

Hill Management Co.  
Attn: Mr. Anthony Julio  
9640 Deereco Rd.  
Timonium, MD 21093

Re: Pikesville Shopping Center

Dear Mr. Julio:

Dover Elevator will be furnishing and installing the elevator for the above project. Currently we are expecting the submittals to arrive within the next week or so. Upon your approval of the submittals we will release the elevator into fabrication. The lead time will be approximately eighteen weeks from that point consisting of fourteen weeks fabrication and four weeks field installation. I apologize for any delays we may have caused, we thank you for your patronage and look forward to working with you.

If you have any questions or if I or the Dover team can be of assistance in the future please call THANKS.

Sincerely,  
DOVER ELEVATOR COMPANY

Matt Morgan  
Sales Representative

RMM/

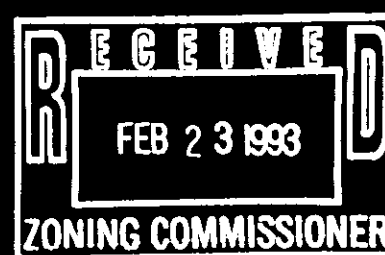
Dover Elevators / Dover Maintenance  
An Equal Opportunity Employer



**JOSEPH ALBERT MAJORIQUE LETTRE**  
Colonel, Army of the United States, Retired

BRIGADIER GENERAL, MARYLAND DEFENSE FORCE, RETIRED  
206 Slade Avenue, Pikesville, Maryland 21208-4922  
20 February 1993

Timothy M. Kotroco  
Deputy Zoning Commissioner for  
Baltimore County  
Suite 115 Courthouse  
Towson, MD 21204



Dear Commissioner Kotroco:

Reference is made to your letter to Mr. M. E. Marino, ESQ., dated 29 December 1992 (Case No. 93-154-A), and to the attached five page Finding of Facts and Conclusions of Law signed by you on the same date.

The order concludes with four restrictions and the fourth of these, found on page five just above your signature, concludes that a copy of the Order shall be recorded in the Land Records of Baltimore County. In conclusion, it states: "A copy of the recorded Order shall be forwarded to this office for inclusion in the case file."

Both the Ralston Community Association and I are anxious to have written confirmation that this restriction has been carried out as you directed in your Order. We too wish to include such confirming information in our case file. Please reply to this letter to let us know that the action has been accomplished and that the Land Records and Zoning Records so indicate.

You can be certain that we are sorry that we were unable to send a representative to the hearing on Tuesday, 15 December 1992.

Very truly yours,

*J. Herbert M. Lettre*

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

| NAME                  | ADDRESS                              |
|-----------------------|--------------------------------------|
| GABRIEL W. KOSCHKE JR | P.O. Box 32122, Drexel Hill PA 21208 |
| SAMUEL G. GARD        | 222 BOSTON AVE G-6, Towson 21204     |
| STEPHEN ZIMMERMAN     | 1314 REISTERSTOWN RD 21208           |
| MARILYN YON           | 1352 REISTERSTOWN RD 21208           |
| KIMBERLY THOMAS       | 1348 REISTERSTOWN RD 21208           |
| JEFFREY LEVIN         | 1401 REISTERSTOWN RD 21208           |
| Nancy Paige - Atty    | 233 E Redwood St - 1202              |

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

| NAME                          | ADDRESS                   |
|-------------------------------|---------------------------|
| JAMES E. MATIS                | 411 DUNKIRK ROAD 21212    |
| Anthony J. Wilkins Esq. (adv) | 614 Chesapeake Ave 21201  |
| Peter J. Connor               | 3 Aldenagate, Court 21133 |
| Mark J. Bain                  | 8550 Drexel Rd 21093      |
| Ted Julio                     | 9410 Drexel Rd 21093      |

00

*Raymond Ramsey - Interested party for D.H.G. Files*

3258-S (Food Pmt)



FRONT

15  
3  
21  
3  
9  
24  
18  
15  
108

BACK

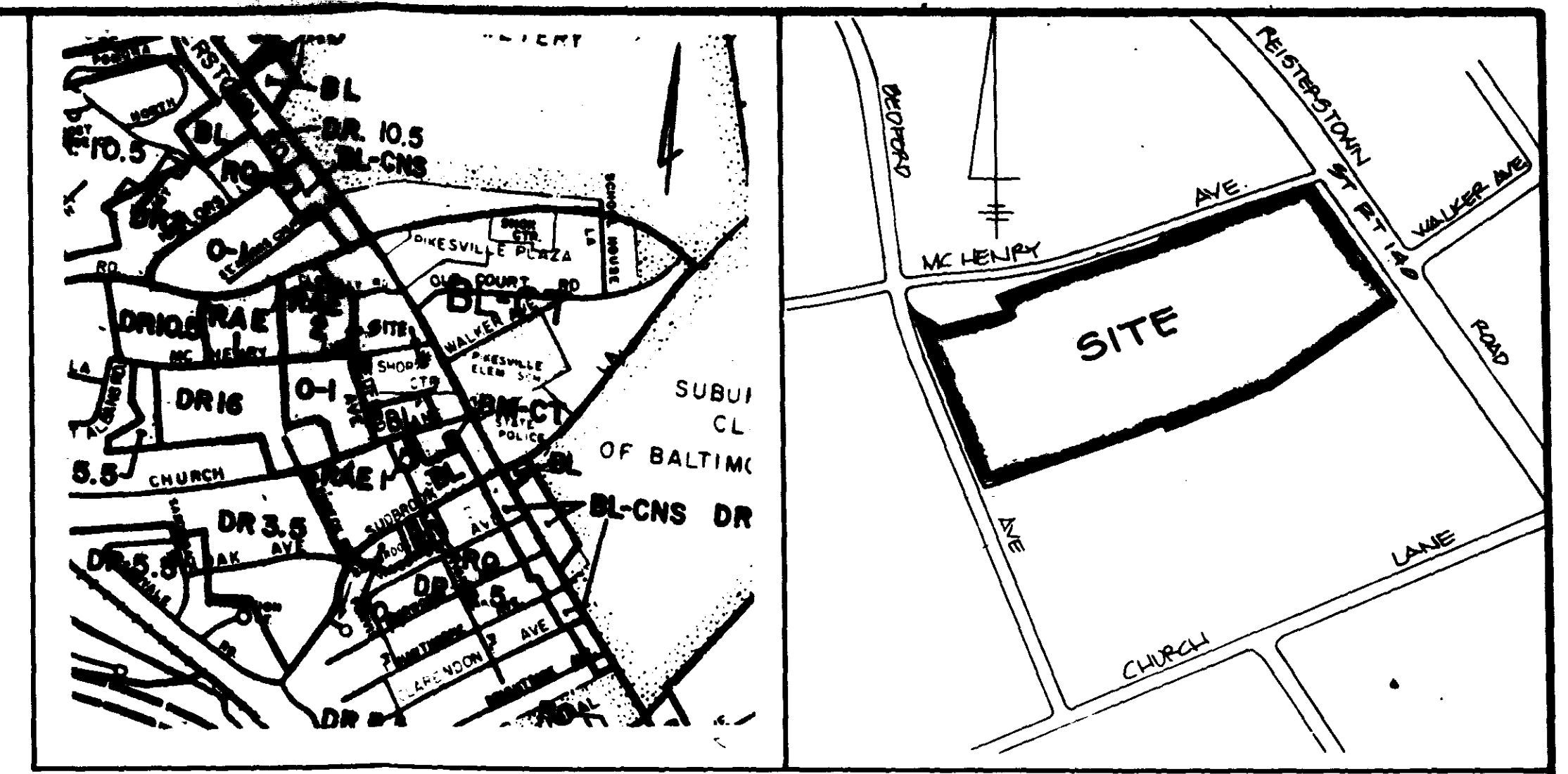
35  
51  
53  
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6  
167

108

162  
275

*100% 4/1/92*





VICINITY MAP  
SCALE: 1" = 100'

LOCATION MAP  
SCALE: 1" = 200'

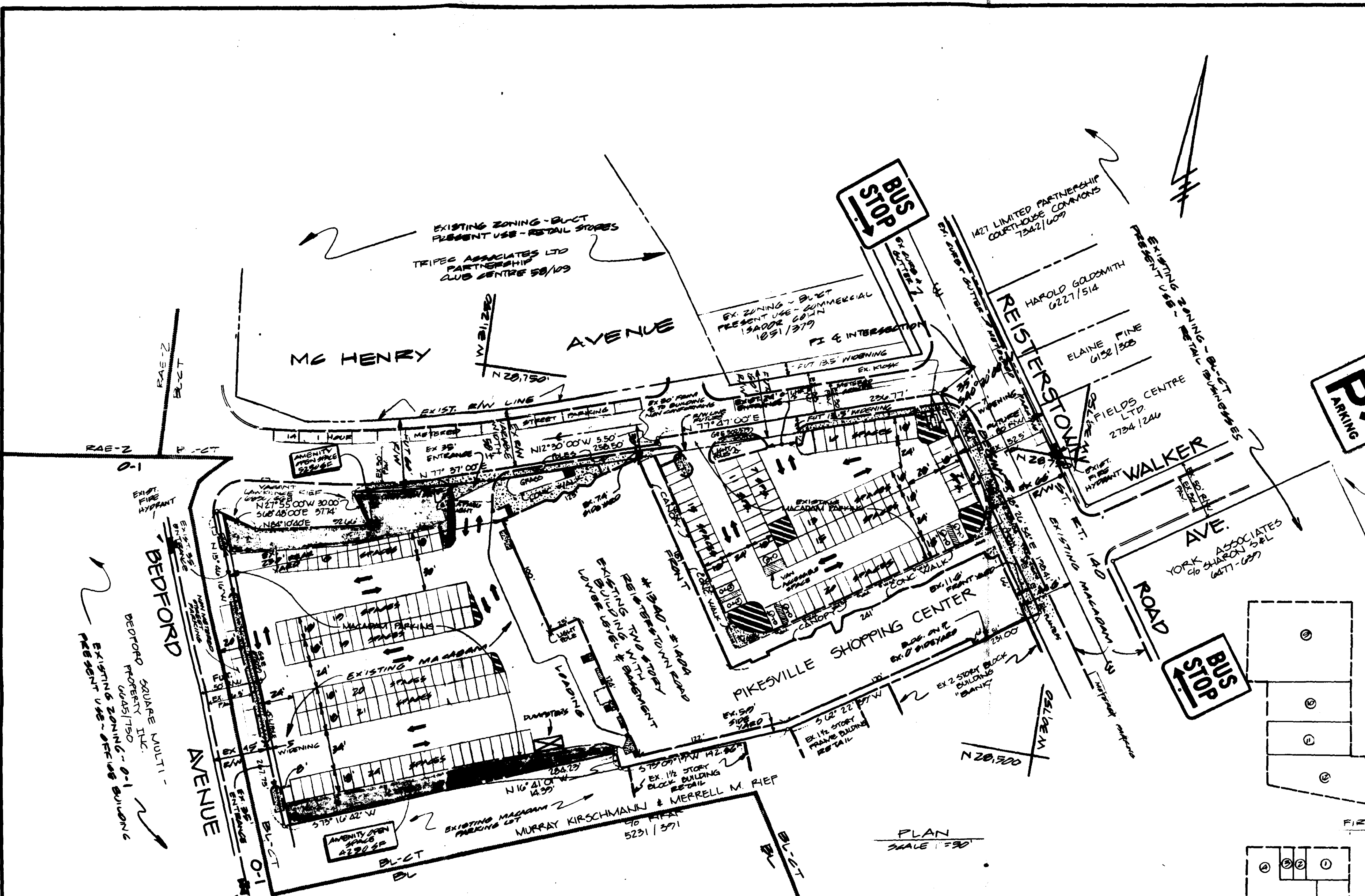
LEGEND

- PROPERTY LINE
- EXISTING CURB & GUTTER
- RIGHT OF WAY
- ZONING LINE
- AMENITY OPEN SPACE

SITE DATA

EXISTING ZONING: BL-CT  
 EXISTING USE: RETAIL CENTER - 2 STORY WITH LOWER LEVEL AND BASEMENT  
 PROPOSED USE: RETAIL CENTER - 2 STORY WITH LOWER LEVEL AND BASEMENT  
 GROSS AREA: 4.17 ACRES  
 NET AREA: 3.498 ACRES  
 NET AREA MINUS ROAD WIDENING: 3.323 ACRES  
 FLOOR AREA RATIO MAXIMUM: 5.5  
 FLOOR AREA RATIO EXISTING: 83,097 SF/181,845 SF = 0.46  
 AMENITY OPEN SPACE RATIO REQUIRED: 0.10  
 AMENITY OPEN SPACE RATIO EXISTING: 9,500 SF/83,097 SF = 0.114  
 DEED REFERENCE: 6888/087  
 TAX ACCOUNT NUMBER: 0308001700  
 COUNCILMANIC DISTRICT NUMBER: 2ND  
 BUILDING HEIGHT: 35' AVERAGE  
 PREVIOUS COMMERCIAL PERMITS: B075004 C-1928-90  
 EXISTING SIGNAGE: IN ACCORDANCE WITH SECTION 413 AND ALL ZONING POLICIES  
 PROPOSED SIGNAGE: NONE PROPOSED AT THIS TIME, HOWEVER ANY FUTURE SIGNAGE SHALL COMPLY WITH SECTION 413 AND ALL ZONING SIGN POLICIES  
 PREVIOUS HEARINGS: NONE  
 C.R.G.: SITE WAS CONSTRUCTED IN 1950'S PRIOR TO CURRENT DEVELOPMENT  
 REGULATIONS:  
 PUBLIC WATER AND SEWER EXIST  
 STORM WATER MANAGEMENT: NOT REQUIRED

PAVING SHALL BE DURABLE AND MUST BE STRIPED AND ALL PARKING SPACES SHALL BE PERMANENTLY STRIPED



PLAN  
SCALE: 1" = 50'

PARKING TABULATION BASED ON REGULATIONS IN EFFECT AT TIME OF ORIGINAL APPROVAL

| TENANT                             | SQUARE FEET | USE        | REQUIREMENT | SPACES        |
|------------------------------------|-------------|------------|-------------|---------------|
| <b>LOWER LEVEL BASEMENT</b>        |             |            |             |               |
| 1 Vacant                           | 2,000       | RETAIL     | 187200SF    | 10.40         |
| 2 Clinton's Barber Shop            | 640         | SERVICE    | 187200SF    | 2.13          |
| 3 University Plaza                 | 845         | RETAIL     | 187200SF    | 3.23          |
| 4 Vacant                           | 3,800       | SERVICE    | 187200SF    | 12.00         |
| 5 Vacant                           | 5,180       | RETAIL     | 187200SF    | 25.00         |
| 6 The Player's Club                | 4,300       | SERVICE    | 187200SF    | 14.38         |
| 7 Vacant                           | 11,702      | RETAIL     | 187200SF    | 56.51         |
| 8 Storage                          | 11,185      | STORAGE    | NONE        | 0.00          |
| <b>FIRST FLOOR</b>                 |             |            |             |               |
| 9 Rite Aid/Vacant                  | 12,400      | RETAIL     | 187200SF    | 65.00         |
| 10 Shoeboxes                       | 4,600       | RETAIL     | 187200SF    | 24.00         |
| 11 Vacant                          | 4,600       | RETAIL     | 187200SF    | 24.00         |
| 12 Amazing Savings                 | 6,000       | RETAIL     | 187200SF    | 30.00         |
| 13 Fama School of Hair Design      | 1,400       | SERVICE    | 187200SF    | 4.25          |
| 14 One Hour Cleaners               | 2,200       | SERVICE    | 187200SF    | 7.57          |
| 15 Wally's Dance Studio            | 700         | SERVICE    | 187200SF    | 2.50          |
| 16 Phoenix Jewelry & Coin Exchange | 600         | RETAIL     | 187200SF    | 2.50          |
| 17 Shopper's Market                | 2,700       | RETAIL     | 187200SF    | 14.00         |
| 18 Haverd Luggage                  | 2,800       | RETAIL     | 187200SF    | 14.00         |
| 19 Jonathan Potter Pottery         | 3,200       | RESTAURANT | 187200SF    | 16.00         |
| <b>SECOND FLOOR</b>                |             |            |             |               |
| 20 Kanga Karts Club                | 4,800       | SERVICE    | 187200SF    | 16.00         |
| <b>TOTAL PARKING REQUIRED</b>      |             |            |             | <b>284.00</b> |
| <b>TOTAL PARKING PROVIDED</b>      |             |            |             | <b>284.00</b> |

BASED ON 1/2" X 1/4" TYPICAL  
 REDUCED 7" SPACES FOR THE REMAINING 1/2" X 1/4" EACH ON THE SIDE BY SIDE  
 1/2" X 1/4" TYPICAL, WITH APPROXIMATE SPACE 8' X 12' 6"

VARIANCE IS REQUESTED FROM SECTION 400.2 BZC (AS IN EFFECT AT TIME OF ORIGINAL PERMIT APPROVAL) TO PERMIT A VARIANCE TO ALLOW 317 PARKING SPACES IN LIEU OF THE REQUIRED 284 SPACES

PETITIONER  
 OWNER/DEVELOPER  
 PIKESVILLE PARTNERSHIP  
 10 PARKS AVE  
 COCKEYSVILLE, MD 21030  
 410-361-1300

THIS PLAN IS INTENDED FOR ZONING PURPOSES ONLY AND SHOULD NOT BE USED FOR CONVEYANCE OF PROPERTY, SPECIAL AGREEMENTS, PERMITS, OR CONSTRUCTION

PLAT TO ACCOMPANY  
 ZONING PETITION  
 FOR VARIANCE  
**PIKESVILLE SHOPPING CENTER**  
 1340-1444 REGISTERSTOWN ROAD  
 BALTIMORE COUNTY, MD

ELECTION DISTRICT #3  
 2ND COUNCILMANIC DISTRICT  
 APRIL 23, 1992  
 REV. MAY 6, 1992  
 REV. AUG. 24, 1992

GEORGE WILLIAM STEPHENS, JR.  
 AND ASSOCIATES, INC.  
 CIVIL ENGINEERS & LAND SURVEYORS  
 658 KENILWORTH DRIVE, SUITE '00  
 TOWSON, MARYLAND 21204  
 (301) 825-8120



An important consideration is the degree to which the existing parking supply discussed above is utilized. A detailed parking study was recently undertaken for the Pikesville Area/Reisterstown Road Corridor.<sup>1/</sup> The parking/usage data presented in this section is based on review of the referenced (1987) study, and on field observations made during the course of this study.

While the subject area of the current study and the 1987 Reisterstown Road Corridor parking study do not exactly coincide, the data is considered representative, particularly in view of the concentration of parking supply and demand along Reisterstown and Old Court Roads. The parking spaces along residential streets would be the same under both studies.

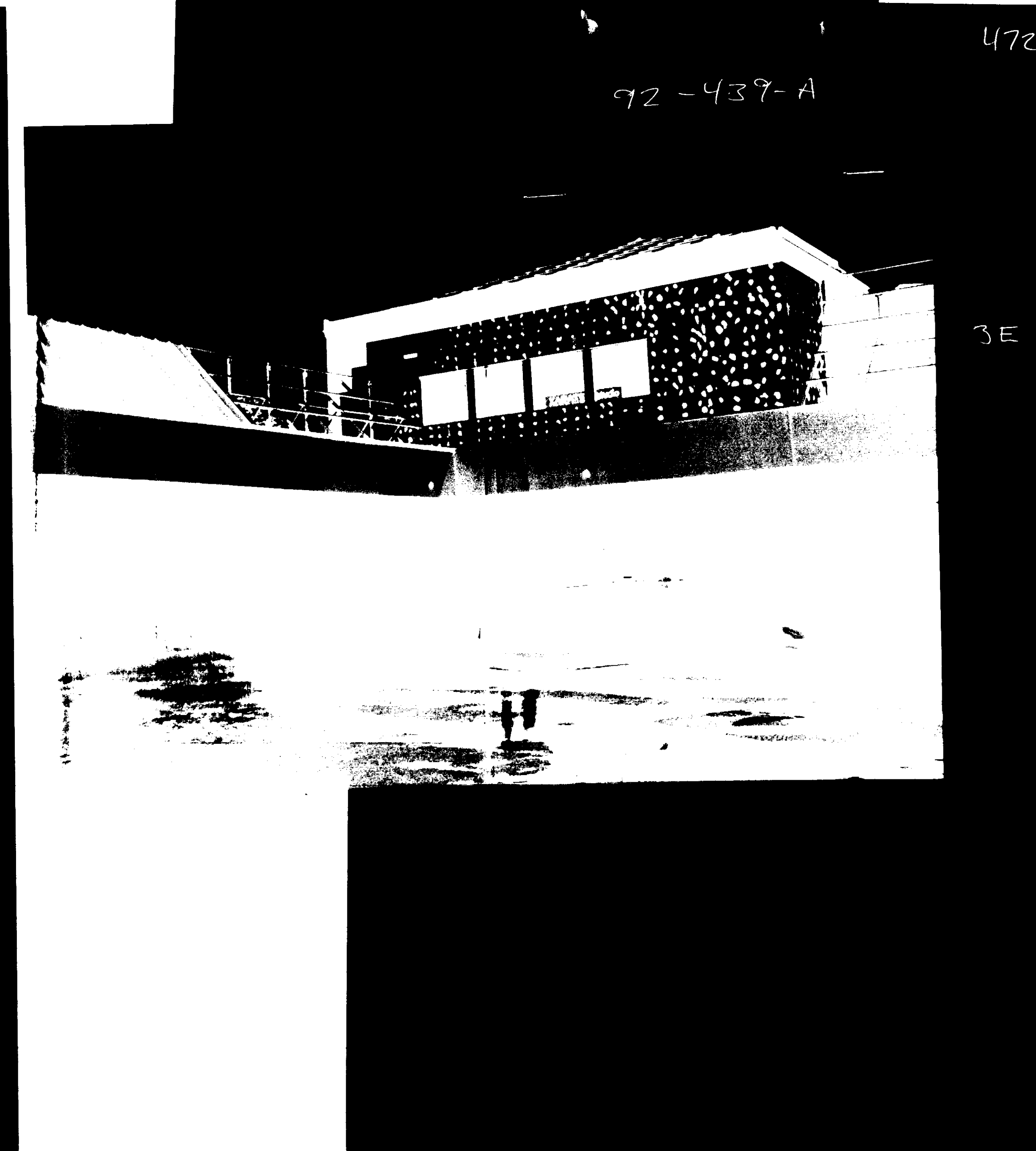
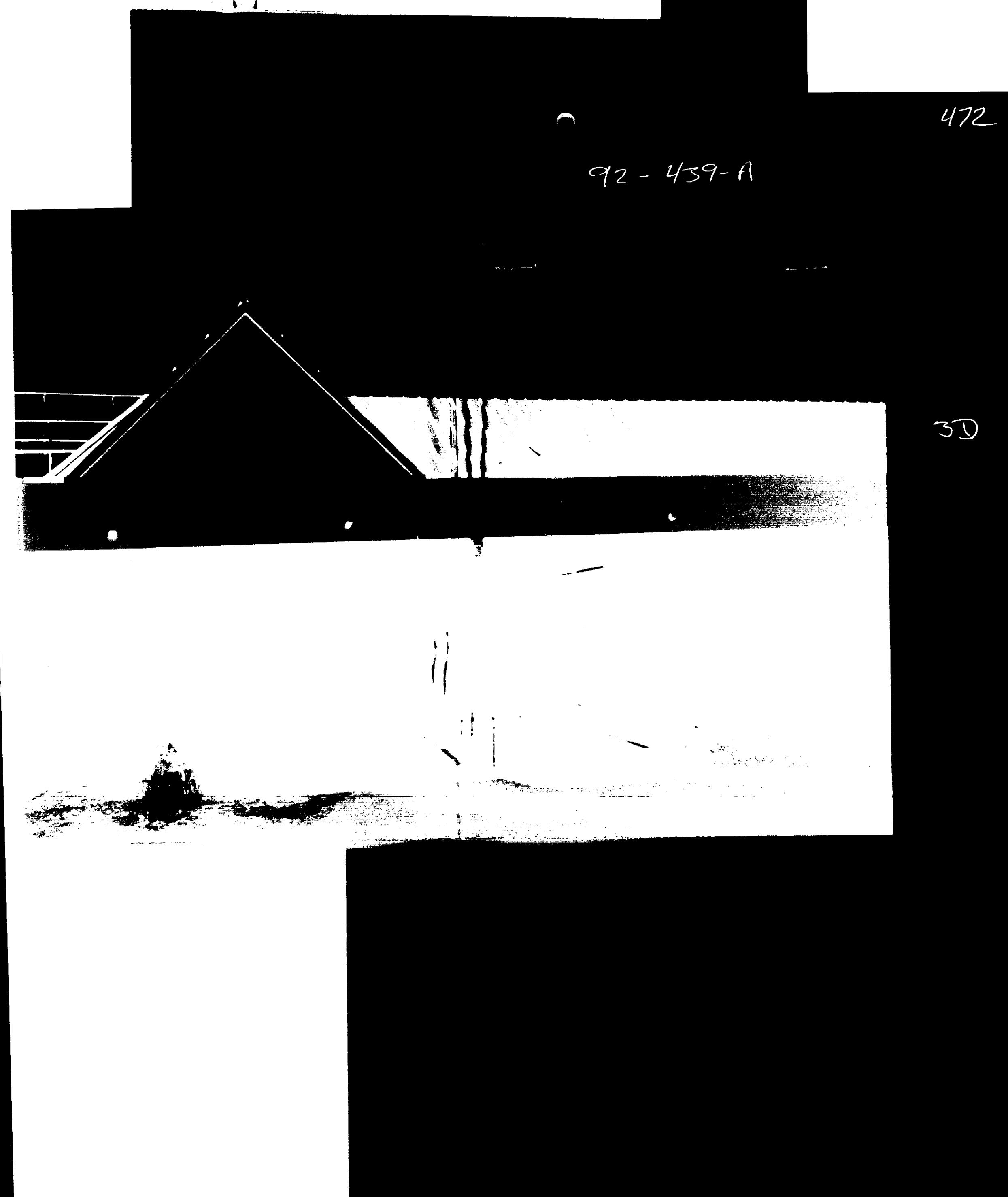
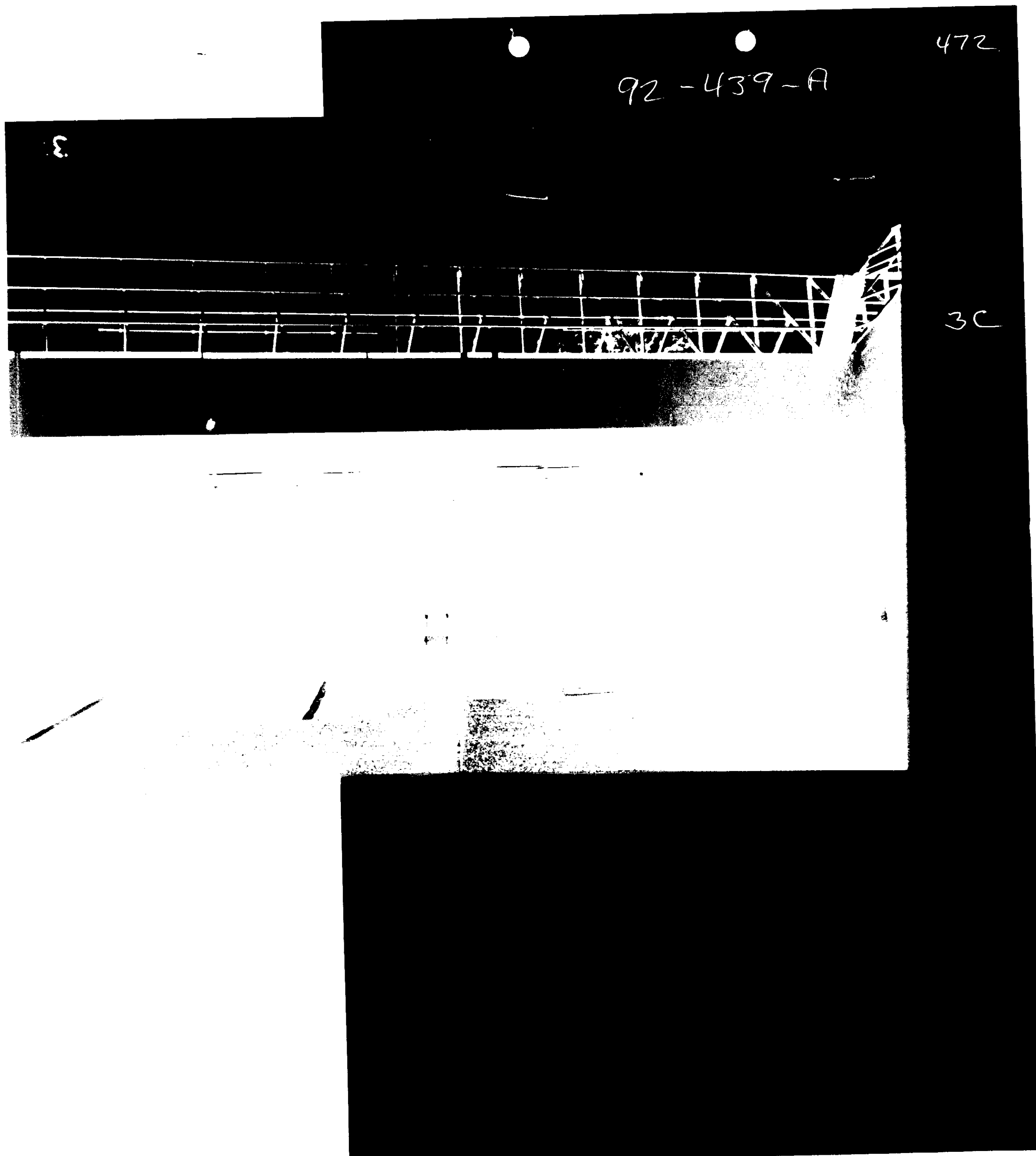
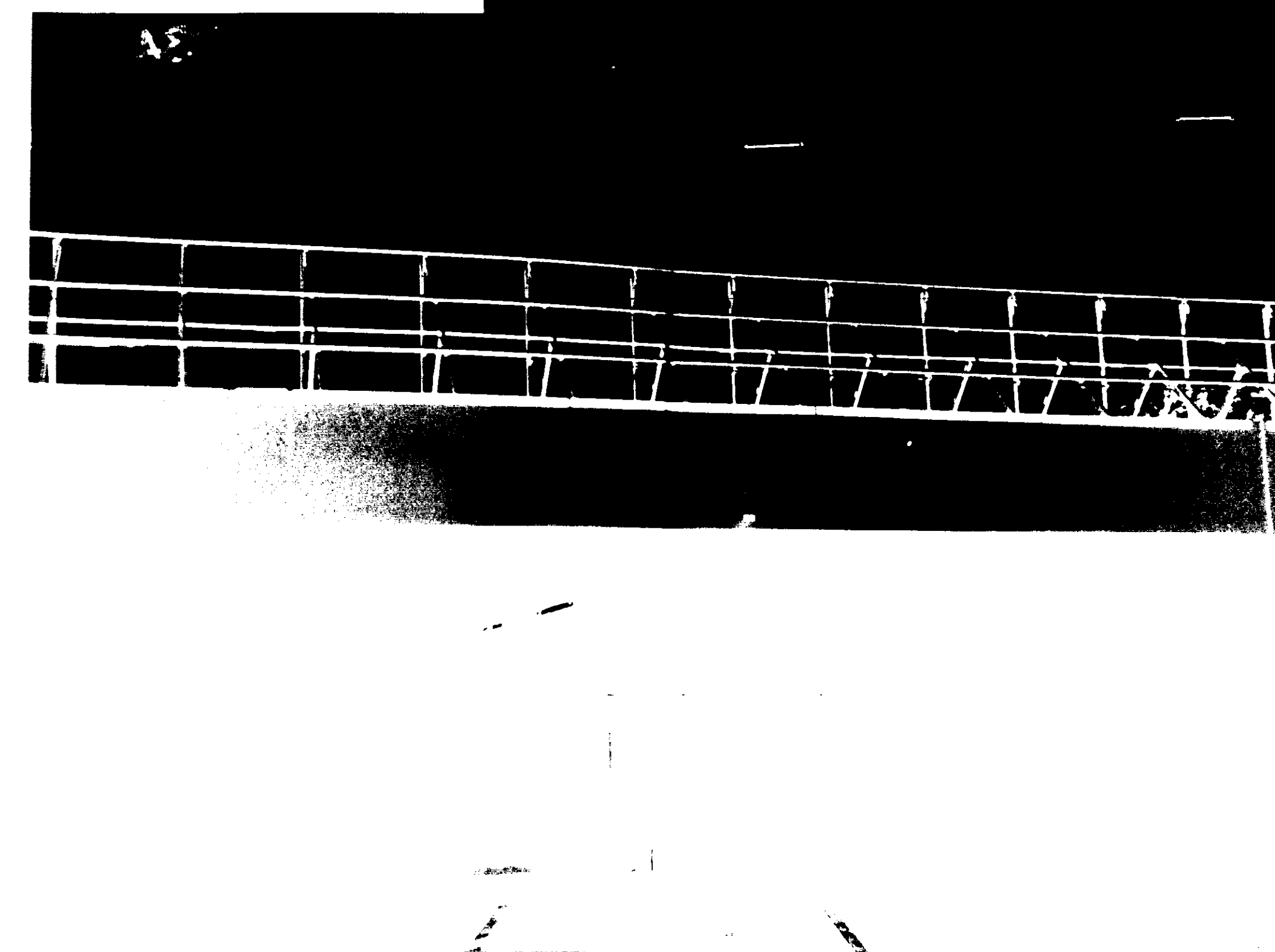
Parking usage or accumulation surveys are generally accepted as clear indications of the degree to which parking supply satisfies current demand. The following two graphics show the level of usage based on surveys documented in the 1987 parking study, by Desmond, Inc., for on-street and off-street parking facilities, respectively.

The data in the graphics indicate that current peak parking demand within off-street parking facilities is 87 percent of supply during typical weekdays, and 55 percent of supply on typical weekend days (Saturday). For on-street parking facilities, the corresponding situation is represented by 55 percent usage on weekdays, and by 38 percent usage on weekend days (Saturday). Peak parking demand occurs between 1:00 and

<sup>1/</sup> Pikesville Parking Study -- Reisterstown Road Corridor, prepared for Baltimore County Revenue Authority and Economic Development Commission, by Desmond, Inc., July, 1987.

19  
**PETITIONER'S**  
**EXHIBIT** *No 2*

HAMMER - SILER - GEORGE - ASSOCIATES





92-439-A

472

3F

92-439-A 3G

472

92-439-A

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3H

439-A

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92-439-A

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4B

4A

92-439-A

472



4C



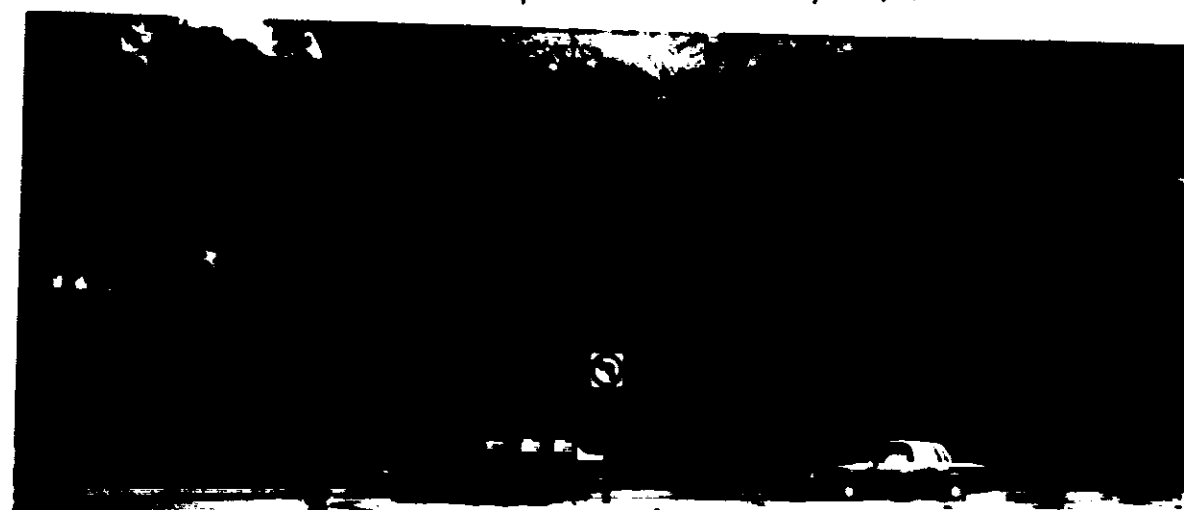
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4E

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4G

92-439A

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6B



7A

7B  
(over)

92-439-A

472



7B



7C



7D

# The Pikesville Shopping Center Parking Tabulation 1974

## TENANT

| LOWER LEVEL BASEMENT                     | SQUARE FEET | USE        | REQUIREMENT | SPACES |
|--|-------------|------------|-------------|--------|
| 1 Vinylastic                             | 2,080       | Office     | 1SP/200SF   | 10.40  |
| 2 Clinco's Barber Shop                   | 640         | Service    | 1SP/300SF   | 2.13   |
| 3 Allison Laboratories                   | 645         | Office     | 1SP/300SF   | 2.15   |
| 4 Jay's Apparel                          | 3,600       | Storage    | None        | 0.00   |
| 5 Jay's Apparel                          | 5,160       | Storage    | None        | 0.00   |
| 6 The Player's Club                      | 4,300       | Service    | 1SP/300SF   | 14.33  |
| 7 Pikesville Furniture                   | 11,702      | Retail     | 1SP/200SF   | 58.51  |
| 8 Storage, Miller Music & The Men's Shop | 11,185      | Storage    | None        | 0.00   |
|  | 2700        | Retail     | 1SP/200SF   | 13.50  |
|  | 3250        | Office     | 1SP/300SF   | 10.83  |
| FIRST FLOOR                              |             |            |             |        |
| 9 Jay's Apparel                          | 12,400      | Retail     | 1SP/200SF   | 62.00  |
| 10 The Zodiac Lounge                     | 4,800       | Restaurant | 1SP/50SF    | 96.00  |
| 11 Pikesville Furniture                  | 4,000       | Retail     | 1SP/200SF   | 20.00  |
| 12 Pikesville Furniture                  | 8,000       | Retail     | 1SP/200SF   | 40.00  |
| 13 Pikesville Furniture                  | 1,465       | Retail     | 1SP/200SF   | 7.42   |
| 14 Pikesville Cleaners                   | 2,300       | Service    | 1SP/300SF   | 7.67   |
| 15 Rubin's Jewellers                     | 750         | Retail     | 1SP/200SF   | 3.75   |
| 16 Rubin's Jewellers                     | 600         | Retail     | 1SP/200SF   | 3.00   |
| 17 Miller Music                          | 2,700       | Retail     | 1SP/200SF   | 13.50  |
| 18 Millson's Childwear                   | 2,300       | Retail     | 1SP/200SF   | 11.50  |
| 19 The Men's Shop                        | 3,250       | Office     | 1SP/300SF   | 10.83  |
| SECOND FLOOR                             |             |            |             |        |
| 20 Vacant                                | 4,000       | N/A        | None        | 0.00   |

TOTAL PARKING REQUIRED 382.94  
TOTAL PARKING PROVIDED 217.00  
DEFICIENCY 165.94

PETITIONER'S  
EXHIBIT No 5



BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

TED ZALESKI, JR.  
DIRECTOR

February 24, 1984

B. Pumpian  
P.O. Box 5983  
Pikesville, Maryland 21208

## PETITIONER'S EXHIBIT No 6

RE: Pikesville Shopping Center, 1400 Reisterstown Road  
Gentlemen:

Maryland State Law requires the installation of handicapped parking spaces in shopping centers which have over 20,000 square feet of leasable area.

We have recently inspected the above referenced shopping center and found that it is not in compliance. The law requires the installation of 4 handicapped parking space(s). These spaces must be 12 feet wide, located to provide easy accessibility to the stores and marked with an appropriate sign on an 8 foot pole. We will make a follow-up inspection on April 16, 1984.

If you have any questions concerning this matter, please contact Mr. Errol Ecker at 494-3953 any morning between 7:30 and 8:30.

Very truly yours,

*John R. Reisinger*  
John R. Reisinger, E. E.  
Buildings Engineer

JER:es  
cc:Inspector

NOTE: New Owners Carl & Edward Julio  
10 Park Avenue  
Cockeysville, Maryland 21030  
Gave Info. to E. Ecker 4/9/84

92-439-A

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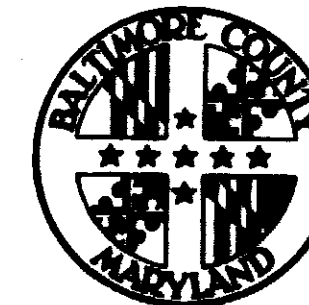
June 27 - P.P.

489

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITIONER'S  
EXHIBIT No 8

PETITION AND SITE PLAN

EVALUATION COMMENTS